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2016 Legislative Update

Bob Church
Director, UPC

HB 67 – Weapons on Public Transportation



No longer a 3rd Felony to merely carry a concealed dangerous weapon or firearm on a bus or in bus terminal.

U.C.A. 76-10-1504

Bus Hijacking – Use of Dangerous Weapon

(1) (a) A person is guilty of bus hijacking if the person seizes or exercises control, by
28 force or violence or threat of force or violence, of a bus within the state.

29 (b) Bus hijacking is a first degree felony.

30 (2) (a) A person is guilty of assault with the intent to commit bus hijacking if the
31 person intimidates, threatens, or commits assault or battery toward a driver, attendant,
guard, or
32 any other person in control of a bus so as to interfere with the performance of duties by the
33 person.

34 (b) Assault with the intent to commit bus hijacking is a second degree felony.

35 (3) A person who, in the commission of assault with intent to commit bus hijacking,
36 uses a dangerous weapon, as defined in Section [76-1-601](#), is guilty of a first degree felony.

37 ~~[(4) (a) A person who boards a bus with a concealed dangerous weapon or firearm
38 upon his person or effects is guilty of a third degree felony.]~~

39 ~~[(b) The prohibition of Subsection (4)(a) does not apply to:]~~

40 ~~[(i) individuals listed in Subsections [76-10-523](#)(1)(a), (b), (c), (d), and (e);]~~

41 ~~[(ii) a person licensed to carry a concealed weapon; or]~~

42 ~~[(iii) persons in possession of weapons or firearms with the consent of the owner of the
43 bus or the owner's agent, or the lessee or bailee of the bus.]~~

HB 68: Post-Exposure Blood Testing



New: Magistrate Court Judge May Issue
Affidavit: Significant Exposure. Refusal/inability to Consent.
Not Able to Obtain Later. Delay..

U.C.A. 78B-8-402

Petition – Disease Testing

- (2) (a) A law enforcement agency may submit on behalf of the petitioner by electronic or other means an ex parte request for a warrant ordering a blood draw from the respondent.

39

40 (b) The court **or magistrate** shall issue a warrant ordering the respondent to provide a
41 specimen of the respondent's blood within 24 hours, and that reasonable force may be used, if
42 necessary, if the court or magistrate finds that:
43 (i) the petitioner was significantly exposed during the course of performing the
44 petitioner's duties as an emergency services or first aid provider;
45 (ii) the respondent has refused consent to the blood draw or is unable to give consent;
46 (iii) there may not be an opportunity to obtain a sample at a later date; and
47 (iv) a delay in administering available FDA-approved post-exposure treatment or
48 prophylaxis could result in a lack of effectiveness of the treatment or prophylaxis.
49 (c) The petitioner shall request a person authorized under Section [41-6a-523](#) perform
50 the blood draw.
51 (d) A sample drawn in accordance with a warrant following an ex parte request shall be
52 sent to the Department of Health for testing.
53 [(2) (a) The] (3) If a petitioner does not seek or obtain a warrant pursuant to Subsection
54 (2), the petitioner [shall] may file a petition with the district court seeking an order to submit
55 to
56 testing and to disclose the results in accordance with the provisions of this section.
57 [(b) The petition shall be sealed upon filing and made accessible only to the petitioner,
the subject of the petition, and their attorneys, upon court order.]

Human Trafficking



HB 105 Human Trafficking Revisions



Believing a Victim to be over
the age of 18 is **NOT** a defense.

U.C.A. 76-2-304.5

- **76-2-304.5. Mistake as to victim's age not a defense.**

37 (3) It is not a defense to the crime of
aggravated human trafficking or aggravated
38 human smuggling, a violation of
Section [76-5-310](#), or human trafficking of a
child, a violation
39 of Section [76-5-308.5](#), that the actor
mistakenly believed the victim to be 18 years of
age or
40 older at the time of the alleged offense or
was unaware of the victim's true age.

Where does Utah rank nationally in the number of overdose deaths?



Where does Utah rank nationally
in the number of military
overdose deaths?



HB 114 Controlled Substance Reporting



Administrative Office of the
Courts shall report use or
possession convictions to DOPL.

U.C.A. 58-37-8

Prohibited Acts - Penalties

68 (1) Prohibited acts: Penalties and
reporting:

110 (e) The Administrative Office of the
Courts shall report to the Division of
111 Occupational and Professional
Licensing the name, case number, date of
conviction, and if
112 known, the date of birth of each person
convicted of violating Subsection (2)(a).

HB 126 Unmanned Aircraft



HB 126 Unmanned Aircraft

MB – Recklessly Operate
MA – Drop payload in
different location or not at all
3rd – Contact with manned
aircraft
2nd – proximate cause of
manned aircraft colliding
with ground, structure, other
manned aircraft



U.C.A. 65A-3-2.5

Wildland Fire and Unmanned Aircraft

61 (2) A person may not operate an unmanned aircraft system within an area that is under
62 a temporary flight restriction that is issued by the Federal Aviation Administration as a result of
63 the wildland fire, or an area designated as a wildland fire scene on a system managed by a
64 federal, state, or local government entity that disseminates emergency information to the
65 public, unless the person operates the unmanned aircraft system with the permission of, and in
66 accordance with the restrictions established by, the incident commander.

67 (3) A person, other than a government official or a government employee acting within
68 the person's capacity as a government official or government employee, that recklessly operates
69 an unmanned aircraft within an area described in Subsection (2) is guilty of:

70 (a) except as provided in Subsection (3)(b), (c), or (d), a class B misdemeanor;

71 (b) except as provided in Subsection (3)(c) or (d), a class A misdemeanor, if the
72 operation of the unmanned aircraft system causes an aircraft being used to contain or control a
73 wildland fire to:

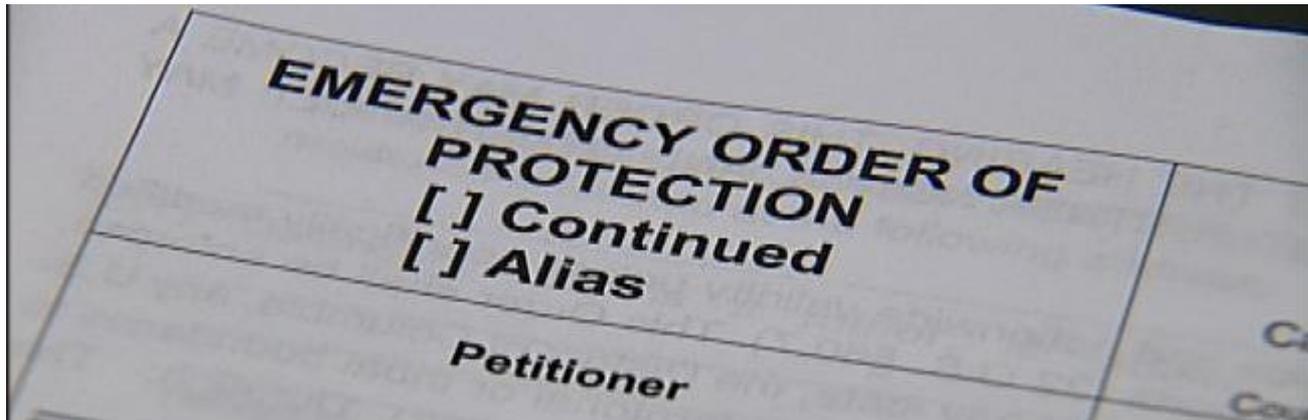
74 (i) drop a payload of water or fire retardant in a location other than the location
75 originally designated for the aircraft to drop the payload; or

76 (ii) land without dropping a payload of water or fire retardant in the location originally
77 designated for the aircraft to drop the payload;

78 (c) except as provided in Subsection (3)(d), a third degree felony, if the operation of the
79 unmanned aircraft system causes the unmanned aircraft to come into direct physical contact
80 with a manned aircraft; or

81 (d) a second degree felony if the operation of the unmanned aircraft is the proximate
82 cause of a manned aircraft colliding with the ground, a structure, or another manned aircraft.

HB 148 Protective Order Amendments



Protective orders (PO) for divorced parties automatically expire 10 years from date of:

1. Divorce, or
2. When PO was issued.

PO's shall not automatically expire if:

1. Petitioner can establish reasonable fear of future abuse; or
2. Conviction for PO violation

U.C.A. 78B-7-115

Dismissal of Protective Order

64 (6) (a) Notwithstanding Subsection (1) or (2), a protective order that has been
65 entered
66 under this chapter concerning a petitioner and a respondent who are divorced shall
67 automatically expire, subject to Subsections (6)(b) and (c), 10 years from the day on
68 which one
69 of the following occurs:
70 (i) the decree of divorce between the petitioner and respondent became absolute; or
71 (ii) the protective order was entered.
72 (b) The protective order shall automatically expire, as described in Subsection
73 (6)(a),
74 unless:
75 (i) the petitioner demonstrates that the petitioner has a reasonable fear of future
76 abuse,
77 as described in Subsection (1); or
78 (ii) the respondent has been convicted of a protective order violation or any crime
79 of
80 violence subsequent to the issuance of the protective order.
81 (c) The 10 years described in Subsection (6)(a) is tolled for any period of time that
82 the
83 respondent is incarcerated.

HB 155 Reporting of Child Pornography



Several new definitions.

Computer technician who finds child porn SHALL report to law enforcement or federal Cyber Tip Line.

Employers may establish procedure for reporting.

Willful failure to report is MB.

Defense to prosecution If tech reasonably believed person in image was not under age of 18.

Immunity for reporting or not reporting in good faith.

U.C.A. 76-10-1204.5

Reporting of Child Pornography by a Computer Technician

36 (1) As used in this section:

37 (a) "Child pornography" means the same as
that term is defined in Section [76-5b-103](#).

38 (b) "Computer technician" or "technician"
means an individual who in the course and
39 scope of the individual's employment for
compensation installs, maintains, troubleshoots,
40 upgrades, or repairs computer hardware,
software, personal computer networks, or peripheral
41 equipment.

42 (c) "Image" means an image of child
pornography or an image that a computer
43 technician reasonably believes is child
pornography.

U.C.A. 76-10-1204.5

76-10-1204.5. Reporting of child pornography by a computer technician.

(2) (a) A computer technician who in the course of employment for compensation

45 views an image on a computer or other electronic device that is or appears to be child
46 pornography shall immediately report the finding of the image to:

47 (i) a state or local law enforcement agency, or the Cyber Tip Line at the National
48 Center for Missing and Exploited Children; or

49 (ii) an employee designated by the employer of the computer technician in accordance
50 with Subsection (3).

51 (b) A computer technician who willfully does not report an image as required under

52 Subsection (2)(a) is guilty of a **class B misdemeanor.**

53 (c) The identity of the computer technician who reports an image shall be confidential,
54 except as necessary for the criminal investigation and the judicial process.

55 (d) (i) If the computer technician makes or does not make a report under this section in
56 good faith, the technician is immune from any criminal or civil liability related to reporting or
57 not reporting the image.

58 (ii) In this Subsection (2)(d), good faith may be presumed from an employee's or
59 employer's previous course of conduct when the employee or employer has made appropriate
60 reports.

61 (e) It is a defense to prosecution under this section that the computer technician did not
62 report the image because the technician reasonably believed the image did not depict a person
63 younger than 18 years of age.

HB 159 Line-of-Duty Death Benefits Amendments



Remarriage of surviving spouse no longer disqualifying factor for health coverage.

Surviving spouse remains eligible until becomes eligible for Medicare.

Leaves coverage for surviving children until 25 yoa.

U.C.A 53-17-201

53-17-201. Surviving spouse and children health coverage for line-of-duty death.

47 (2) An employer shall allow a surviving spouse and children to remain eligible to

48 receive health coverage from the employer under this section at the option of the surviving

49 spouse [until]:

50 (a) for health coverage for the surviving spouse, until the surviving spouse [remarries

51 or] becomes eligible for Medicare [whichever come first]; and

52 (b) [a] for health coverage of a child, until the child reaches the age of

26.

HB 160 Justice Court Amendments



Justice Court judges of 1st and 2nd class counties must have law degree.
3rd – 6th class county Justice Court judges only have to have high school diploma.
Current non-law trained judges grandfathered in.
Must retire at age 75.

U.C.A. 78A-7-201

78A-7-201. Justice court judge eligibility -- Mandatory retirement.

37 (2) ...a justice court [judges are] judge is not required
38 to be admitted to practice law in the state as a
qualification to hold office but:

39 (a) in counties of the first and second class, a justice
court judge shall have a degree

40 from a law school that makes one eligible to apply for
admission to a bar in any state; and

41 (b) in counties of the third, fourth, fifth, and sixth
class, a justice court judge shall have

42 at the minimum a diploma of graduation from high
school or its equivalent.

HB 179 Unlawful Sexual Activity with a Minor



U.C.A. 76-5-401: Unlawful (but consensual) sexual activity (intercourse) with 14-16 year old still a 3rd degree.
If defendant 4 years or less older than victim – MB
NOT a registerable offense.
U.C.A. 76-5-401.1: Sexual Abuse of a Minor

U.C.A. 76-5-401

76-5-401. Unlawful sexual activity with a minor -- Elements -
- Penalties --

32 Evidence of age raised by defendant.

46 (3) (a) Except under Subsection (3)(b), a violation of
Subsection (2) is a third

47 degree felony ~~{unless}~~.

48 (b) If the defendant establishes by a preponderance of
the evidence the mitigating

49 factor that the defendant is less than four years older
than the minor at the time the sexual

50 activity occurred, ~~{in which case it}~~ the offense is a class
B misdemeanor. An offense under

51 this Subsection (3)(b) is not subject to registration under
Subsection 77-41-102(17)(a)(iii).

HB 179 Consensual Sexual Activity with a Minor



UCA 76-5-401.1: Unlawful sexual abuse (touching) of 14-16 year old.

CHANGE: From 7 to 4 years or more older; or defendant holds position of special trust.

Now MA.

For first offender under the age of 21, MA, not registerable.

U.C.A. 76-5-401.1

76-5-401.1. Sexual abuse of a minor.

56 (2) A person commits sexual abuse of a minor if the
person is ~~seven~~ four years or

57 more older than the minor or holds a relationship of
special trust as an adult teacher, employee,

58 or volunteer...

68 (3) (a) Except under Subsection (3)(b), a violation of
this section is a **class A**

69 **misdemeanor**[, except under Subsection (3)(b)]
and is not subject to registration under

70 Subsection 77-41-102(17)(a)(iv) on a first offense if the
offender was younger than 21 years of

71 age at the time of the offense.

HB 191 Interlock Restricted Driver Amendments



Employer issued written verification;
Employer aware of driver's status as interlock restricted;.
Vehicle only to be used in course of business;
Business not owned entirely or partially by driver;
Employer's insurance is aware of driver interlock restriction;
Driver is added to employer's insurance policy.

U.C.A. 41-6a-518

41-6a-518. Ignition interlock devices -- Use -- Probationer to pay cost --

38 Impecuniosity -- Fee.

39 (1) As used in this section:

40 (a) "Commissioner" means the commissioner of the Department of Public Safety.

41 (b) "Employer verification" means written verification from the employer that:

42 (i) the employer is aware that the employee is an interlock restricted driver;

43 (ii) the vehicle the employee is operating for employment purposes is not made

44 available to the employee for personal use;

45 (iii) the business entity that employs the employee is not entirely or partly owned
46 or

46 controlled by the employee;

47 (iv) the employer's auto insurance company is aware that the employee is an
48 interlock

48 restricted driver; and

49 (v) the employee has been added to the employer's auto insurance policy as an
50 operator

50 of the vehicle.



HB 206 Human Trafficking Safe Harbor Amendments

Stop
Human
Trafficking.



New way for DCFS to handle children who have been involved in prostitution or sexual solicitation.
Provide treatment/services to child.
NOT subject child to delinquency proceedings.

U.C.A. 76-10-1302

~~[(c) If a law enforcement officer refers a child to the division under Subsection 62—(3)(b)(ii), the division shall:]~~

~~63— [(i) check the division's records to verify whether law enforcement referred the child to~~

~~64— the division under Subsection (3)(b)(ii) on a prior occasion; and]~~

~~65— [(ii) provide the information described in Subsection (3)(e)(i) to the law enforcement~~

~~66— officer.]~~

~~67— [(d) If] (c) When law enforcement has ~~[not]~~ referred the child to the division under 68 Subsection (3)(b)(ii) ~~[on at least one prior occasion,];~~~~

69 (i) the division shall provide services to the child under Title 62A, Chapter 4a, Child

70 and Family Services~~]. (e) If law enforcement has referred the child to the division under~~

~~71— Subsection (3)(b)(ii) on at least one prior occasion]; and~~

72 (ii) the child may not be ~~[subject]~~ subjected to delinquency proceedings under Title 73 62A, Chapter 7, Juvenile Justice Services, and Section 78A-6-601 through Section 78A-6-704.

HB 238 Opiate Overdose Outreach Providers



Expands definition of opiate overdose outreach provider: can include family member.

Allows health care provider to prescribe to family member, friend or other individual.

Provides protection against “unprofessional conduct” or criminal or civil liability for those who administer an “opiate antagonist” – Naloxone/Narcan

U.C.A. 26-55-102

U.C.A. 25-55-104

98 (10) "Overdose outreach provider" means:...(j) an individual.

120 (1) (a) Except as provided in Subsection (1)(b), a person
~~{other than}~~, including an

121 overdose outreach provider, but not including a health care
facility or health care provider,

122 ~~{who}~~ that acts in good faith to administer an opiate
antagonist to ~~{another person}~~ an

123 individual whom the person believes to be ~~{suffering}~~
experiencing an opiate-related drug

124 overdose event is not liable for any civil damages ~~{or}~~ for acts
or omissions made as a result of

125 administering the opiate antagonist.

U.C.A. 25-55-104

(2) ...a health care

133 provider who is licensed to prescribe ~~{or dispense}~~ an opiate
antagonist may ~~{, without a~~

134 ~~prescriber-patient relationship,}~~ prescribe or dispense an
opiate antagonist ~~{without liability for~~

135 ~~any civil damages or acts or omissions made as a result of~~
~~prescribing or dispensing an opiate~~

136 ~~antagonist in good faith, to}~~:

137 (a) (i) to an individual who is at increased risk of
experiencing ~~{or who is likely to~~

138 ~~experience}~~ an opiate-related drug overdose event; ~~{or}~~

139 [(b)] (ii) to a family member of, friend of, or other
[person] individual who ~~{may be}~~ is

140 in a position to assist an individual who ~~{may be}~~ is at
increased risk of experiencing ~~{or who is~~

141 ~~likely to experience}~~ an opiate-related drug overdose event;

HB 260 Sexual Exploitation of a Minor



DUH!!!

No crime for looking at child pornography for:
Court employee;
Juror; or
Attorney or employee of attorney.
If done in the course of employment, etc.

U.C.A. 76-5b-201

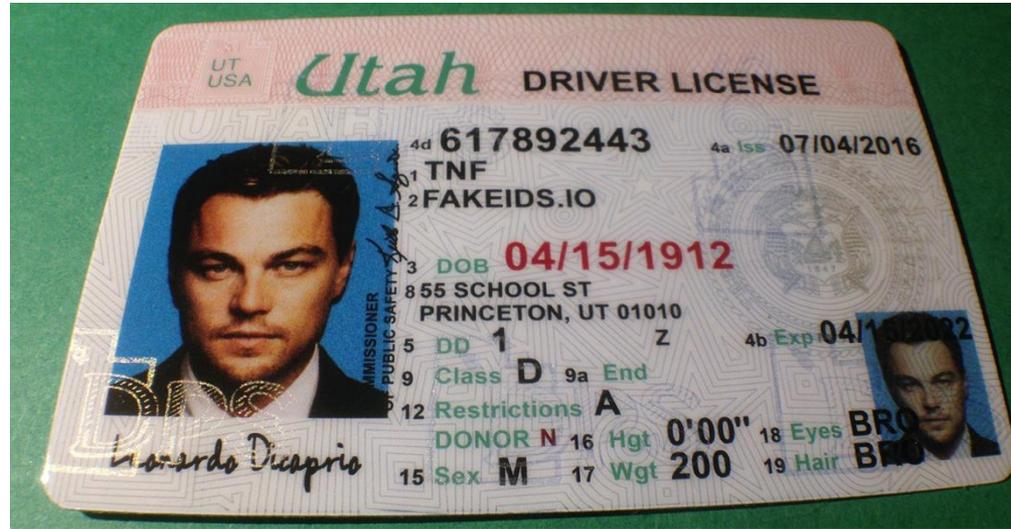
(6) This section may not be construed to impose criminal or civil liability on:...

50 (c) any employee of a court who may be
required to view child pornography during the
51 course of and within the scope of the employee's
employment;

52 (d) any juror who may be required to view
child pornography during the course of the
53 person's service as a juror; or

54 (e) any attorney or employee of an attorney
who is required to view child pornography
55 during the course of a judicial process and while
acting within the scope of employment.

HB 263 Fraud Amendments



Possession of stolen or forged identification document with

Intent to Transfer

New offense under 76-6-501.

F2

U.C.A. 76-6-501

- 107 (4) A person is guilty of producing or transferring
any false identification document
- 108 who:
- 109 (a) knowingly and without lawful authority
produces, attempts, or conspires to produce
- 110 an identification document, authentication feature, or a
false identification document that is or
- 111 appears to be issued by or under the authority of an
issuing authority;
- 112 (b) transfers, or possesses with intent to transfer, an
identification document...
- 121 (5) A person who violates:...
- 123 (b) Subsection (4) is guilty of a second degree felony.

HB 300 Body-worn Cameras for Law Enforcement



Written policies that meet or exceed minimum guidelines.

Minimum guidelines for activation and not deactivating until LEO's direct participation in the encounter is complete.

U.C.A. 77-7a-101

272 77-7a-102. Body-worn cameras -- Written policies and procedures.

273 (1) Any law enforcement agency that uses body-worn cameras shall have a written
274 policy governing the use of body-worn cameras that is consistent with the provisions of this
275 chapter.

276 (2) (a) Any written policy regarding the use of body-worn cameras by a law
277 enforcement agency shall, at a minimum:

278 (i) comply with and include the requirements in this chapter; and

279 (ii) address the security, storage, and maintenance of data collected from body-worn
280 cameras.

281 (b) This chapter does not prohibit a law enforcement agency from adopting body-worn
282 camera policies that are more expansive than the minimum guidelines provided in this
chapter.

283 (3) This chapter does not require an officer to jeopardize the safety of the public, other
284 law enforcement officers, or himself or herself in order to activate or deactivate a body-
worn
285 camera.

HB 300 Body-worn Cameras for Law Enforcement



Exceptions to “no deactivation” rule:

1. While consulting with supervisor or other officer;
2. During significant period of inactivity; and
3. During conversation with
 - a. Sensitive victim of crime;
 - b. Witness of crime;
 - c. Individual requests deactivation.

Preference is for activation.

MUST document when deactivated.

U.C.A. 77-7a-104

333 (9) An officer may deactivate a body-worn camera:

334 (a) to consult with a supervisor or another officer;

335 (b) during a significant period of inactivity; and

336 (c) during a conversation with a sensitive victim of crime, a witness of a crime, or an

337 individual who wishes to report or discuss criminal activity if:

338 (i) the individual who is the subject of the recording requests that the officer deactivate

339 the officer's body-worn camera; and

340 (ii) the officer believes that the value of the information outweighs the value of the

341 potential recording and records the request by the individual to deactivate the body-worn

342 camera.

343 (10) If an officer deactivates a body-worn camera, the officer shall document the

344 reason for deactivating a body-worn camera in a written report.

HB 300 Body-worn Cameras for Law Enforcement



Certain Prohibitions

1. No personal use of body-worn camera;
2. No personal copy of recording;
3. Retaining copy of recording;
4. Duplicating or distributing recording;
5. Altering or deleting recording.

U.C.A. 77-7a-106

356 77-7a-106. Prohibited Activities.

357 An officer is prohibited from:

358 (1) using a body-worn camera for personal use;

359 (2) making a personal copy of a recording created
while on duty or acting in an official

360 capacity as a law enforcement officer;

361 (3) retaining a recording of any activity or
information obtained while on duty or acting

362 in an official capacity as a law enforcement officer;

363 (4) duplicating or distributing a recording except as
authorized by the employing law

364 enforcement agency; and

365 (5) altering or deleting a recording in violation of
this chapter.

HB 300 Body-worn Cameras for Law Enforcement



GRAMA Revisions

Video or audio recorded in home or residence are “private” records, unless:

1. Depicts commission of alleged crime;
2. Records encounter between LEO and person that results in death or bodily injury, or shows officer firing weapon;
3. Records encounter between LEO and complainant;
4. Officer-involved critical incident; or
5. Individual requests reclassification.

U.C.A. 63G-2-302

244 (g) audio and video recordings created by a body-worn
245 camera, as defined in Section
246 77-7a-103, that record sound or images inside a home or
247 residence except for recordings that:
248 (i) depict the commission of an alleged crime;
249 (ii) record any encounter between a law enforcement officer
250 and a person that results in
251 death or bodily injury, or includes an instance when an officer
252 fires a weapon;
253 (iii) record any encounter that is the subject of a complaint or
254 a legal proceeding
against a law enforcement officer or law enforcement agency;
(iv) contain an officer involved critical incident as defined in
Section 76-2-408(1)(d);
or
(v) have been requested for reclassification as a public
record by a subject or
authorized agent of a subject featured in the recording.

HB 344 Move Over Amendments



Move out of HOV lane over double white lines when approaching emergency vehicle or tow truck displaying flashing lights.
If practical and safe to do so.

U.C.A. 41-6a-904

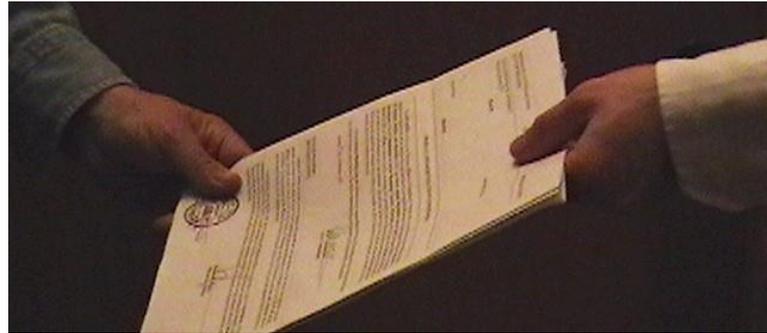
55 (b) The operator of a vehicle traveling in an HOV lane, upon approaching a stationary

56 tow truck or highway maintenance vehicle that is displaying flashing amber lights, shall, if

57 practical, with due regard to safety and traffic conditions, make a lane change out of the HOV

58 lane into a lane not adjacent to the tow truck or highway maintenance vehicle.

HB 381 Standards for Issuance of Summons



DUH! Part Deux

Preference: Summons

Issuance of arrest warrant only upon finding of PC

1. Person committed crime;
2. Warrant necessary to prevent injury to person or property;
3. Secure appearance; or
4. Protect public safety welfare.

U.C.A. 77-7-5

33 (1) A magistrate may issue a warrant for arrest in
34 lieu of a summons for the appearance

of the accused only upon finding:

35 (a) probable cause to believe that the person to be
36 arrested has committed a public

offense[.]; and

37 (b) under the Utah Rules of Criminal Procedure, and
38 this section that a warrant is

necessary to:

39 (i) prevent risk of injury to a person or property;

40 (ii) secure the appearance of the accused; or

41 (iii) protect the public safety and welfare of the
community or an individual.

HB 404 Crime Victim Restitution Amendments

Fixes State v. Brown

Court may order payment for all demonstrable economic injuries, excluding punitive damages and pain and suffering.

Travel and other expenses “reasonably incurred.”

Prosecution must request within 1 year of sentencing.

Time period for determining restitution is entire period defendant under court’s jurisdiction.

U.C.A. 77-38a-102

212 (6) "Pecuniary damages" means all
demonstrable economic injury, whether or not yet
213 incurred, including those which a person could
recover in a civil action arising out of the facts
214 or events constituting the defendant's criminal
activities and includes the fair market value of
215 property taken, destroyed, broken, or otherwise
harm ed, and losses including lost earnings,
216 including those and other travel expenses
reasonably incurred as a result of participation in
217 criminal proceedings, and medical and
other expenses, but excludes punitive or exemplary
218 damages and pain and suffering.

U.C.A. 77-38a-102

Restitution Criteria

286 (iv) the income lost by the victim as a
result of the offense ~~[if the offense resulted in~~
~~287 —bodily injury to a victim];~~

288 (v) ~~[up to five days of]~~ the individual
victim's reasonable determinable wages that are
289 lost due to theft of or damage to tools or
equipment items of a trade that were owned by
the

290 victim and were essential to the victim's
current employment at the time of the offense;

U.C.A. 77-38a-102

Restitution Criteria

305 ~~[(d) (i) Except as provided in Subsection (5)(d)(ii), the court shall determine complete~~
306 ~~restitution and court ordered restitution, and shall make all restitution orders at the time~~
of
307 ~~sentencing if feasible, otherwise within one year after sentencing.]~~

308 (d) (i) The prosecuting agency shall submit all requests for complete restitution and
309 court ordered restitution to the court at the time of sentencing if feasible, otherwise within
310 one
year after sentencing.

311 (ii) If a defendant is placed on probation pursuant to Section [77-18-1](#):

312 (A) the court shall determine complete restitution and court ordered restitution; and

313 (B) the time period for determination of complete restitution and court ordered
314 restitution may be extended by the court upon a finding of good cause, but may not exceed
315 the
period of the probation term served by the defendant.

316 (iii) If the defendant is committed to prison:

317 ~~[(ii) Any]~~ (A) any pecuniary damages that have not been determined by the court
318 within one year after sentencing may be determined by the Board of Pardons and Parole[.];
319 and

319 ~~[(e) The]~~ (B) the Board of Pardons and Parole may, within one year after sentencing,
320 refer an order of judgment and commitment back to the court for determination of
restitution.

SB 106 Assault Offense Amendments



Amends 76-5-102.7

MA – Simple assault against emergency medical services worker and health care provider.

3rd – Causes substantial bodily injury AND acts intentionally or knowingly.

U.C.A. 76-5-102.7

Assault Against Health Care Provider and Emergency Medical Service Worker

35 (2) A person who violates Subsection (1) is
guilty of a third degree felony if the
36 person:

37 (a) causes substantial bodily injury, as
defined in Section [76-1-601](#); and

38 (b) acts intentionally or knowingly.

39 ~~[(2)]~~ (3) As used in this section:

40 (a) "Emergency medical service worker"
means a person certified under Section

41 [26-8a-302](#).

42 (b) "Health care provider" means the same as
that term is defined in Section

43 [78B-3-403](#).

SB 121 Electric Assisted Bicycle Amendments



Modifies definition of electric assisted
bicycle.

Certain uses now infractions.

U.C.A. 41-6a-102

Definitions

95 ~~{(13)}~~ (16) "Electric assisted bicycle" ~~{means a moped}~~ means a bicycle with an
96 electric motor that:

97 (a) ~~{with an electric motor with}~~ has a power output of not more than [1,000] 750
98 watts; ~~{and}~~

99 ~~{(b) which is not capable of:}~~

100 (i) ~~propelling the device at a speed of more than 20 miles per hour on level ground~~
101 ~~when;}~~

102 ~~{(A) powered solely by the electric motor; and}~~

103 ~~{(B) operated by a person who weighs 170 pounds; and}~~

104 (ii) ~~increasing the speed of the device when human power is used to propel the device~~
105 ~~at more than 20 miles per hour;}~~

106 ~~{(e) (b) has fully operable pedals on permanently affixed cranks; ~~{and}~~~~
107 ~~{(d) weighs less than 75 pounds.}~~

108 (c) is fully operable as a bicycle without the use of the electric motor; and
109 (d) is one of the following:

110 (i) an electric assisted bicycle equipped with a motor or electronics that:
111 (A) provides assistance only when the rider is pedaling; and
112 (B) ceases to provide assistance when the bicycle reaches the speed of 20 miles per
113 hour;

114 (ii) an electric assisted bicycle equipped with a motor or electronics that:
115 (A) may be used exclusively to propel the bicycle; and
116 (B) is not capable of providing assistance when the bicycle reaches the speed of 20
117 miles per hour; or

118 (iii) an electric assisted bicycle equipped with a motor or electronics that:
119 (A) provides assistance only when the rider is pedaling;
120 (B) ceases to provide assistance when the bicycle reaches the speed of 28 miles per
121 hour; and

122 (C) is equipped with a speedometer.

229 (c) "Moped" includes ~~{an electric assisted bicycle and}~~ a motor assisted scooter.
230 (d) "Moped" does not include an electric assisted bicycle.

U.C.A. 41-6a-1115.5

Electric Assisted Bicycles - Restrictions - Penalties

387 (1) Except as otherwise provided in this section, an electric assisted bicycle is subject
388 to the provisions under this chapter for a bicycle.

389 (2) An individual may operate an electric assisted bicycle on a path or trail designated
390 for the use of a bicycle.

391 (3) A local authority or state agency may adopt an ordinance or rule to regulate or
392 restrict the use of an electric assisted bicycle, or a specific classification of an electric
393 assisted

394 bicycle, on a sidewalk, path, or trail within the jurisdiction of the local authority or state
395 agency.

396 (4) An individual under 16 years of age may not operate a class 3 electric assisted
397 bicycle.

398 (5) An individual under 14 years of age may not operate an electric assisted bicycle
399 with the electric motor engaged on any public property, highway, path, or sidewalk unless
400 the

401 individual is under the direct supervision of the individual's parent or guardian.

402 (6) An individual under eight years of age may not operate an electric assisted bicycle
403 with the electric motor engaged on any public property, highway, path, or sidewalk.

404 (7) The owner of an electric assisted bicycle may not authorize or knowingly permit an
405 individual to operate an electric assisted bicycle in violation of this section.

413 (9) An individual who violates this section is guilty of an **infraction.**

SB 124 Gang Enhancement Provisions



Retaliation against a:

1. Witness,
2. Victim,
3. Informant

U.C.A. 76-3-203.1

Offenses Committed in Concert With Two or More Persons

40 (2) A person who commits any offense
listed in Subsection (5) is subject to an
41 enhanced penalty ...

87 (n) retaliation against a witness, victim,
informant, or other violation of Section
88 [76-8-508.3](#);

SB 157 Pawnshop Amendments



Item no longer needs to be held or seized;
Check with prosecutor to see if item may be returned to original victim;
If no longer needed, prosecutor shall provide written or electronic notification to LEO authorizing return of property to victim.

U.C.A. 13-32a-109

Holding Period for Articles

204 (8) (a) When the purpose for the hold on or seizure of an article, for which an
205 original
206 victim who has complied with Section [13-32a-115](#) has been identified is terminated,
207 the law
208 enforcement agency requiring the hold or seizure shall:
209 (i) document the original victim who has positively identified the item of
210 property; and
211 (ii) provide the documented information concerning the original victim to the
212 prosecuting agency to determine whether continued possession of the article is
213 necessary for
214 purposes of prosecution, as provided in Section [24-3-103](#).
215 (b) If the prosecuting agency determines that continued possession of the article
is not
necessary for purposes of prosecution, as provided in Section [24-3-103](#), the
prosecuting agency
shall provide a written or electronic notification to the law enforcement agency
which
authorizes the return of the article to an original victim who has complied with
Section
[13-32a-115](#).

SB 157 Pawnshop Amendments



LEO promptly notify pawn or secondhand business of victim;
Direct release of item to original owner at NO cost;
Return item within 15 days.
Cannot sell or dispose of item during that time.

U.C.A. 13-32a-109

Holding Period for Articles

216 (c) (i) A law enforcement agency shall promptly provide
217 notice to the pawn or
218 secondhand business of the authorized return of the article
219 under this Subsection (8).
220 (ii) The notice shall identify the original victim, advise the
221 pawn or secondhand
222 business that the original victim has identified the article,
223 and direct the pawn or secondhand
224 business to release the article to the original victim at no cost
225 to the original victim, or if the
226 article was seized, the notice shall advise that the article will
227 be returned to the original victim
228 within 15 days, except as provided under Subsection (8)(d).
229 (d) The pawn or secondhand business shall release an
230 article under Subsection (8)(c)
231 unless within 15 days of receiving the notice the pawn or
232 secondhand business complies with
233 Section [13-32a-116.5](#).

SB 157 Pawnshop Amendments



Pawnshop may contest ownership during that 15 days.

Failure to return item is MB.

LEO should go and seize the item as evidence of this new crime.

U.C.A. 13-32a- 116.5

Contested Disposition of Articles

434 (1) If a pawn or secondhand business has received notice from a law enforcement
435 agency under Section [13-32a-109](#) that an article which was the subject of a hold or
436 seizure shall
437 be returned to an identified original victim, the pawn or secondhand business may
438 contest the
439 determination and seek a specific alternative disposition if within 15 days:
440 (a) the pawn or secondhand business gives notice to the identified original victim,
441 by
442 certified mail, that the pawn or secondhand business contests the determination to
443 return the
444 article to the original victim; and
445 (b) files a petition to determine rightful ownership of the article as provided in
446 Section
447 [24-3-104](#).

448 (2) A pawn or secondhand business is guilty of a **class B**
449 **misdemeanor** if the pawn or
450 secondhand business:
451 (a) holds or sells an article in violation of a notification from a law enforcement
452 agency
453 that the item is to be returned to an original victim; and
454 (b) the pawn or secondhand business does not comply with the requirements of
455 this
456 section within the time periods specified.

SB 187 Reclassification of Misdemeanors



40 sections and subsections of code reduced to infractions.

U.C.A. 41-6a-601 - Speeding
Been updated in UPC's offense table.

21 [4-31-104](#), as renumbered and amended by Laws of Utah 2012, Chapter 331
22 [10-9a-611](#), as renumbered and amended by Laws of Utah 2005, Chapter 254
23 [10-9a-802](#), as last amended by Laws of Utah 2015, Chapter 327
24 [13-32-106](#), as enacted by Laws of Utah 1999, Chapter 68
25 [17-23-15](#), as last amended by Laws of Utah 2001, Chapter 241
26 [17-23-17](#), as last amended by Laws of Utah 2015, Chapter 352
27 [20A-1-604](#), as last amended by Laws of Utah 2008, Chapter 276
28 [26-15-13](#), as last amended by Laws of Utah 2012, Chapter 409
29 [41-1a-401](#), as last amended by Laws of Utah 2015, Chapter 412
30 [41-1a-702](#), as last amended by Laws of Utah 2015, Chapter 412
31 [41-1a-1206](#), as last amended by Laws of Utah 2015, Chapter 412
32 [41-6a-601](#), as last amended by Laws of Utah 2015, Chapter 412
33 [41-6a-609](#), as renumbered and amended by Laws of Utah 2005, Chapter 2
34 [41-6a-904](#), as last amended by Laws of Utah 2015, Chapter 412
35 [41-6a-1626](#), as last amended by Laws of Utah 2015, Chapters 15 and 412
36 [41-6a-1630](#), as last amended by Laws of Utah 2015, Chapter 412
37 [41-6a-1631](#), as last amended by Laws of Utah 2015, Chapter 412
38 [41-12a-303.2](#), as last amended by Laws of Utah 2015, Chapter 412
39 [53-1-116](#), as last amended by Laws of Utah 1997, Chapter 51
40 [53-3-305](#), as enacted by Laws of Utah 2008, Chapter 88
41 [53-3-412](#), as last amended by Laws of Utah 2015, Chapter 412
42 [53-8-209](#), as renumbered and amended by Laws of Utah 1993, Chapters 26 and 234

43 [53B-3-107](#), as last amended by Laws of Utah 2015, Chapter 412
44 [72-7-403](#), as last amended by Laws of Utah 2015, Chapter 412
45 [72-7-404](#), as last amended by Laws of Utah 2015, Chapter 412
46 [72-7-405](#), as last amended by Laws of Utah 2015, Chapter 412
47 [72-7-406](#), as last amended by Laws of Utah 2015, Chapter 412
48 [72-7-407](#), as last amended by Laws of Utah 2015, Chapter 412
49 [72-7-408](#), as last amended by Laws of Utah 2015, Chapter 412
50 [72-7-409](#), as last amended by Laws of Utah 2015, Chapter 412
51 [73-18-6](#), as last amended by Laws of Utah 2015, Chapter 412
52 [73-18-7](#), as last amended by Laws of Utah 2015, Chapter 412
53 [73-18-8](#), as last amended by Laws of Utah 2015, Chapters 113 and 412
54 [73-18-8.1](#), as last amended by Laws of Utah 2015, Chapter 412
55 [73-18-15.1](#), as last amended by Laws of Utah 2015, Chapter 412
56 [73-18-15.2](#), as last amended by Laws of Utah 2015, Chapter 412
57 [73-18-15.3](#), as last amended by Laws of Utah 2015, Chapter 412
58 [73-18-16](#), as last amended by Laws of Utah 2015, Chapter 412
59 [76-9-702.3](#), as enacted by Laws of Utah 2012, Chapter 303
60 [76-9-706](#), as last amended by Laws of Utah 2008, Chapter 186
61 [78B-1-115](#), as renumbered and amended by Laws of Utah 2008, Chapter 3
62 [78B-8-304](#), as renumbered and amended by Laws of Utah 2008, Chapter 3
63 REPEALS:
64 [4-31-112](#), as enacted by Laws of Utah 2012, Chapter 331

SB 194 Vehicle Registration



Rental agreement satisfies registration requirements.

U.C.A. 41-1a-214

Registration Card to be Signed, Carried and Exhibited.

34 (4) For a vehicle owned by a
rental company, as defined in Section [31A-](#)
[22-311](#), a
35 person driving or in control of the
vehicle may display the vehicle's rental
agreement, as
36 defined in Section [31A-22-311](#), in
place of a registration card for compliance
with Subsection
37 (3).

SB 206 Cohabitant Abuse Procedures Act Revisions



Arresting officer ensure magistrate is aware whether the victim has been made aware of right to waive jail release agreement (JRA).

JRA for persons arrested for DV offenses.

1. First appearance must take place no later than 96 hours after arrest.
 - a. If defendant fails to appear, JRA continues.
2. If prosecutor fails to file charges and defendant appears, prosecutor may request additional 72 hours.
3. Unless extended, JRA expires on midnight of day of scheduled appearance.

U.C.A. 77-36-2.5

Conditions for Release After Arrest for Domestic Violence – Jail Release Agreements

126 (b) The arresting officer shall ensure
that the information presented to the magistrate
127 includes whether the victim has made a
waiver described in Subsection (5)(a).

145 (ii) The magistrate shall schedule the
appearance described in Subsection (2)(d)(i) to
146 take place no more than 96 hours after the
time of the arrest.

147 (iii) The arrested person may make the
appearance described in Subsection (2)(d)(i) by
148 video if the arrested person is not released.

U.C.A. 77-36-2.5

Conditions for Release After Arrest for Domestic Violence – Jail Release Agreements

149 (3) (a) If a person charged with domestic violence fails to appear at the time scheduled
150 by the magistrate ...the person shall comply with the
151 release conditions ...until the arrested person makes an initial
152 appearance.

153 (b) If the prosecutor has not filed charges against a person who was arrested for a
154 domestic violence offense and who appears in court at the time scheduled by the
magistrate

155 ...or by the court under Subsection (3)(b)(ii), the court:

156 (i) may, upon the motion of the prosecutor and after allowing the arrested person an
157 opportunity to be heard on the motion, extend the release conditions described in

Subsection

158 (2)(d)(i) by no more than three court days; and

159 (ii) if the court grants the motion described in Subsection (3)(b)(i), shall order the
160 arrested person to appear at a time scheduled before the end of the granted extension.

161 ~~{(3) (a) The}~~ (4) Unless extended under Subsection (3), the jail release agreement or
162 ~~{jail release court order}~~ the magistrate order described in Subsection (2)(d)(i) expires at
163 midnight on the day on which the person arrested {appears in person or by video for
164 ~~—~~ arraignment or an initial appearance.} is scheduled to appear...