



# **PENALTY DISTRIBUTION FOR SELECTED CRIMES**

**2008**



# Utah Sentencing Commission

**Jon M. Huntsman Jr.**  
Governor

**Scott Carver**  
Director

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Greetings from the Utah Sentencing Commission.

This reference manual has been developed by the Utah Sentencing Commission for your information and use as you deliberate on important sentencing issues. It is intended to provide you with the ability to compare criminal penalties for the selected crimes included and make informed decisions on these and future penalties. The manual includes the penalties for each category of offense as well as a brief listing of the most common criminal penalty enhancements. The included offenses were selected because of their continued penalty enhancement, adjustment, or other type of change as a result of legislative action.

The Utah Sentencing Commission is charged with the responsibility to coordinate sentencing and release policy for both juvenile and adult offenders and to make recommendations to the legislature, courts and Governor. It consists of twenty-seven members who represent all facets of the criminal justice system: judges, prosecutors, defense attorneys, legislators, victims, law enforcement, treatment specialists, ethnic minorities, corrections, parole authorities, and others. The commission is here to assist you in developing, analyzing and recommending sentencing policy for the State of Utah. A commission membership roster may be found at the back of this reference manual.

We hope you find this manual useful and welcome your input. Please visit our website for more information at [www.sentencing.utah.gov](http://www.sentencing.utah.gov) or contact us by phone at 538-1645.

Sincerely,

Handwritten signature of Kay S. Cornaby in black ink.

Kay S. Cornaby  
Commission Chair

Handwritten signature of Scott Carver in black ink.

Scott Carver  
Director





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2008

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## **PENALTIES AND DEFINITIONS**

### **Class C Misdemeanor**

Up to 90 days in jail. Fine of up to \$750

**Justice Court Jurisdiction**

### **Class B Misdemeanor**

Up to 6 months in jail. Fine of up to \$1000

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### **Class A Misdemeanor**

1 year in jail. Fine of up to \$2500

**District Court Jurisdiction**

### **Third Degree Felony**

0 to 5 years in prison. Fine of up to \$5000

### **Second Degree Felony**

1 to 15 years in prison. Fine of up to \$10,000

### **First Degree Felony**

5 to Life in prison. Fine of up to \$10,000

### **Capitol Felony**

Death, Life without the possibility of parole, 20 to Life

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### **GSO**

Grievous Sexual Offense

### **LWOP**

Life Without the Possibility of Parole

### **SBI**

Serious Bodily Injury



## EXAMPLES OF SENTENCING ENHANCEMENTS

### Offenses Committed in Concert with Two or More Persons (76-3-203.1)

- Penalty is increased by one degree if the trier of fact finds beyond a reasonable doubt that the person acted in concert with two or more persons. (Gang Enhancement)

### Use of Dangerous Weapon in Offenses Committed on or about School Premises (76-3-203.2)

- Penalty is increased by one degree: First degree felony cannot be suspended

### Penalty for Hate Crimes—Civil Rights Violation (76-3-203.3)

- Penalty is increased by one degree for a person who commits any primary offense with the intent to intimidate or terrorize.

### Habitual Violent Offender (76-3-203.5)

- Penalty is increased by one degree

### Offenses Committed by Prisoner (76-3-203.6)

- Where a prisoner is serving a sentence for a first degree felony or a capital felony and the prisoner commits certain felonies, the prisoner shall be sentenced to life in prison without parole or to 20 years to life.

### Body Armor Enhancement (76-3-203.7)

- The court may increase the maximum sentence to 20 years for a second degree felony or to 10 years for a third degree felony.

### Use of a Dangerous Weapon (76-3-203.8)

- Additional year added to the minimum sentence and up to 5 years added to the maximum sentence.

### Previous Conviction for Crime Committed with a Dangerous Weapon (76-3-203.8)

- Additional 5 to 10 year sentence to run consecutively.

### Repeat and Habitual Sex Offenders (76-3-407)

- The maximum penalty for a sexual offense is increased by 5 years for each conviction of the defendant for a prior sexual offense.

### Subsequent Domestic Violence Offenses (77-36-1.1)

- Class C, B, and A misdemeanors are increased by one degree if committed within three years of a previous domestic violence conviction.



## **OFFENSES AGAINST THE PERSON**

**Criminal Homicide**  
**Sex Offenses**  
**Assault and Kidnapping**





### CRIMINAL HOMICIDE

#### **Class A Misdemeanor**

- Negligent homicide (76-5-206)

#### **Third Degree Felony**

- Automobile homicide (76-5-207)
- Homicide by assault (76-5-209)

#### **Second Degree Felony**

- Manslaughter (76-5-205)
- Subsequent conviction for automobile homicide (76-5-207)
- Criminally negligent automobile homicide (76-5-207)
- Criminally negligent child abuse homicide (76-5-208)

#### **First Degree Felony**

- Attempted murder where victim suffers serious bodily injury (76-4-101)
- Attempt to commit capital felony (76-4-102)
- Attempt to commit or criminal solicitation to commit murder (76-4-102) 3-Life
- Murder (76-5-203)
- Reckless child abuse homicide (76-5-208)
- Influencing, impeding, or retaliating against a judge or member of the Board of Pardons and Parole by committing attempted murder (76-8-316)

#### **Capital Felony**

- Aggravated murder (76-5-202)



### SEX OFFENSES

**(R = Registerable Offense—10 Years)**

**(LR = Registerable Offense—Lifetime)**

#### **Class C Misdemeanor**

- Enticing a minor over the internet to engage in a class B sexual misdemeanor (76-4-401)

#### **Class B Misdemeanor**

- Enticing a minor over the internet to engage in a class A sexual misdemeanor (76-4-401)
- Sodomy (76-5-403)
- Adultery (76-7-103)
- Fornication (76-7-104)
- Bestiality (76-9-301.8)
- Lewdness (76-9-702)
- Prostitution (76-10-1302)
- Patronizing a prostitute (76-10-1303)
- Aiding prostitution (76-10-1304)
- Sexual solicitation (76-10-1313)
- Accessing pornographic or indecent material on school property—each incident (76-10-1234)

#### **Class A Misdemeanor**

- Failure to inform of status as sex offender (53-3-205)
- Failure to notify the division of need to register as a sex offender (53-3-804)
- Failure to surrender Identification Card (53-3-807)
- R-** Enticing a minor over the internet to engage in a third degree sexual felony (76-4-401)
- R-** Sexual abuse of a minor (76-5-401.1)
- Custodial sexual misconduct (76-5-412)
- Custodial sexual misconduct with youth receiving state services (76-5-413)
- Lewdness if committed by a sex offender (76-9-702)
- Sexual battery (76-9-702)
- R-** Lewdness involving a child (76-9-702.5)
- R-** Voyeurism (76-9-702.7)
- Use of real property by tenant or occupant for distributing pornographic material (76-10-1207)
- Distribution of pornographic film (76-10-1222)
- Indecent public displays (76-10-1228)
- Distribution of pornographic material through cable television (76-10-1229)
- Internet content harmful to minors (76-10-1231)
- Subsequent conviction for prostitution (76-10-1302)
- Subsequent conviction for aiding prostitution (76-10-1304)
- Subsequent conviction for sexual solicitation (76-10-1313)
- Failure to register as a misdemeanor sex offender (77-27-21.5)
- Sex offender in “protected area” (77-27-21.7)

## OFFENSES AGAINST THE PERSON

### SEX OFFENSES (CONTINUED)

#### **Third Degree Felony**

- LR-** Enticing a minor over the internet to engage in a second degree sexual felony (76-4-401)
- R -** Unlawful sexual activity with a minor (76-5-401)]
- R -** Unlawful conduct with a 16 or 17 year old (76-5-401.2)
  - Custodial sexual relations (76-5-412)
  - Custodial sexual misconduct (76-5-412)
  - Custodial sexual relations with a youth receiving state services (76-5-413)
- R-** Incest (76-7-102)
- R-** Voyeurism of child under 14 (76-9-702.7)
  - Lewdness involving a child if committed by a sex offender (76-9-702.9)
  - Distributing pornographic material (76-10-1205)
  - Inducing acceptance of pornographic material (76-10-1205)
  - Conspiracy to distribute pornographic material (76-10-1214)
  - Subsequent conviction for distribution of pornographic film (76-10-1222)
  - Material harmful to minors after receiving notice from the attorney general (76-10-1233)
  - Exploiting prostitution (76-10-1305)
  - HIV positive prostitution (76-10-1309)
  - HIV positive patronizing of a prostitute (76-10-1309)
  - HIV positive sexual solicitation (76-10-1309)
  - Failure to register as a felonious sex offender (77-27-21.5)

#### **Second Degree Felony**

- LR-** Enticing a minor over the internet to engage in a first degree sexual felony (76-4-401)
- R -** Forcible sexual abuse (76-5-404,77-18-19) 15 to Life with SBI
- LR-** Sexual abuse of a child (76-5-404.1)
  - Custodial sexual misconduct with a person younger than 18 (76-5-412)
  - Custodial sexual relations with youth under 18 receiving state services (76-5-413)
- LR-** Sexual exploitation of a minor (76-5a-3)
- R-** Voyeurism, sale of images of child under 14 (76-9-702.7)
  - Subsequent conviction for conspiracy to distribute pornographic material (76-10-1214)
- R-** Aggravated exploitation of prostitution (76-10-1306)

#### **First Degree Felony**

- R-** Attempt, conspiring, soliciting to commit a sexual felony (77-27-21.5)
- LR-** Any felony attempt, soliciting, or conspiring to commit an offense requiring lifetime registration (77-27-21.5)
- LR-** Enticing a minor over the internet to engage in a first degree sexual felony, 2nd offense (76-4-401)

The following are defined as grievous sexual offenses (GSO) (76-1-601)

- |  |   |
|--|---|
| <b>LR-</b> Rape (76-5-402)                           | 15 to Life w/SBI. LWOP if prior GSO.        |
| <b>LR-</b> Rape of a child (76-5-402.1)              | 25 to Life. LWOP on 2nd or w/SBI.           |
| <b>LR-</b> Object rape (76-5-402.2)                  | 15 to Life w/SBI. LWOP if prior GSO.        |
| <b>LR-</b> Object rape of a child (76-5-402.3)       | 25 to Life. LWOP on 2nd or w/SBI.           |
| <b>LR-</b> Forcible sodomy (76-5-403)                | 15 to Life w/SBI. LWOP if prior GSO.        |
| <b>LR-</b> Sodomy on a child (76-5-403.1)            | 25 to Life. LWOP on 2nd or w/SBI.           |
| <b>LR-</b> Agg. sexual abuse of a child (76-5-404.1) | 6, 10, or 15 to Life. LWOP on 2nd or w/SBI. |
| <b>LR-</b> Aggravated sexual assault (76-5-405)      | 6, 10, or 15 to Life. LWOP on 2nd or w/SBI. |
| <b>LR-</b> Child kidnapping (76-5-301.1)             | 6, 10, or 15 to Life. LWOP on 2nd or w/SBI. |
| <b>LR-</b> Aggravated kidnapping (76-5-302)          | 6, 10, or 15 to Life. LWOP on 2nd or w/SBI. |

## OFFENSES AGAINST THE PERSON



### ASSAULT, KIDNAPPING, AND RELATED OFFENSES

#### Class C Misdemeanor

- Child abuse – inflicts physical injury with criminal negligence (76-5-109)

#### Class B Misdemeanor

- Assault (76-5-102)
- Harassment (76-5-106)
- Terroristic threat (76-5-107)
- Hazing (76-5-107.5)
- Child abuse – inflicts physical injury recklessly (76-5-109)
- Commission of domestic violence in the presence of a child (76-5-109.1)

**R-** Unlawful detention (76-5-304)

#### Class A Misdemeanor

- Assault – causes substantial bodily injury or involves a pregnant victim (76-5-102)
- Assault against school employees (76-5-102.3)
- Assault against peace officer (76-5-102.4)
- Stalking (76-5-106.5)
- Hazing – involves use of a motor vehicle (76-5-107.5)
- Child abuse – inflicts *serious* physical injury with criminal negligence (76-5-109)
- Child abuse – inflicts physical injury intentionally or knowingly (76-5-109)
- Reckless endangerment (76-5-112)
- Surreptitious administration of certain substances – alcoholic beverage (76-5-113)
- **Custodial interference** (76-5-303)

#### Third Degree Felony

- Assault against a police officer (2nd Offense) (76-5-102.4)
- Assault by prisoner (76-5-102.5)
- Aggravated assault – uses a dangerous weapon (76-5-103)
- Stalking – second conviction (76-5-106.5)
- Violating a stalking injunction (76-5-106.5)
- Terroristic threat – prevents or interrupts the occupation of a building (76-5-107)
- Hazing – involves use of a weapon or results in *serious* bodily injury (76-5-107.5)
- Child abandonment w/SBI (76-5-109)
- Child abuse – inflicts *serious* physical injury recklessly (76-5-109)
- Abuse or neglect of disabled child (76-5-110)
- Endangerment of child or elder adult (76-5-112.5)
- Surreptitious administration of certain substances – controlled substance (76-5-113)
- **Custodial interference** – child is removed from the State (76-5-303)
- **Human smuggling** (76-5-309)

#### Second Degree Felony

- Aggravated assault – causes *serious* bodily injury intentionally (76-5-103)
- Mayhem (76-5-105)
- Stalking – third conviction or uses a dangerous weapon (76-5-106.5)
- Terroristic threat – threatens to use a weapon of mass destruction (76-5-107)
- Hazing – involves use of a weapon and results in *serious* bodily injury (76-5-107.5)
- Child abandonment w/SBI (76-5-109)
- Child abuse – inflicts *serious* physical injury intentionally or knowingly (76-5-109)
- Endangerment of a child or elder adult – causes actual bodily injury (76-5-112.5)
- Surreptitious administration of certain substances – poisonous substance (76-5-113)

**R-** Kidnapping (76-5-301)

**Human trafficking** (76-5-308)

#### First Degree Felony

- **Attempted child kidnapping or criminal solicitation** (76-4-102) 3—Life
- Disarming a peace officer (76-5-102.8)

**R-** Child kidnapping (76-5-301.1)

**R-** Aggravated kidnapping – uses a dangerous weapon or holds for a ransom (76-5-302)  
**Aggravated human trafficking or aggravated human smuggling** (76-5-310)



## **OFFENSES AGAINST PROPERTY**

**Property Destruction  
Public Property Offenses  
Burglary, Robbery, & Theft/Larceny**

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## OFFENSES AGAINST PROPERTY



### PROPERTY DESTRUCTION

Crime	<\$300 damage	<\$1,000 damage	<\$5,000 damage	>\$5,000 damage
Abandoned Fire	Class C Misd.	Class B Misd.	Class A Misd.	Class A Misd.
Arson	Class B Misd.	Class A Misd.	3rd Degree Felony	2nd Degree Felony
Criminal Mischief	Class B Misd.	Class A Misd.	3rd Degree Felony	2nd Degree Felony
Damage to mailbox	Class B Misd.	Class A Misd.	3rd Degree Felony	2nd Degree Felony
Graffiti	Class B Misd.	Class A Misd.	3rd Degree Felony	2nd Degree Felony
Reckless Burning	Class C Misd.	Class B Misd.	Class A Misd.	Class A Misd.

\* These crimes may be based on the monetary damages or on the following circumstances.

#### Class B Misdemeanor

- Reckless Burning – fails to take reasonable steps to prevent escape (76-6-104)
- Criminal mischief – recklessly endangers human health or safety (76-6-106)

#### Class A Misdemeanor

- Reckless Burning – recklessly causes a fire which endangers human life or fails to take reasonable measures to extinguish the fire (76-6-104)
- Causing a catastrophe – recklessly (76-6-105)
- Criminal mischief – recklessly endangers human life (76-6-106)

#### Third Degree Felony

- Arson – a non-participant suffers injury or the fire endangers human life (76-6-102)
- Criminal mischief – with an intention of defrauding an insurer (76-6-106)
- Damaging bridge, dam, canal or other water-related structure (76-10-204)

#### Second Degree Felony

- Arson – acts with intention of defrauding an insurer or a non-participant suffers serious injury (76-6-102)
- Causing a catastrophe – by means other than a weapon of mass destruction (76-6-105)
- Criminal mischief – recklessly causes impairment of a critical infrastructure (76-6-106)

#### First Degree Felony

- Aggravated arson – damages a habitable structure or an occupied vehicle by means of fire or explosives (76-6-102)
- Causing a catastrophe – using a weapon of mass destruction (76-6-105)



### OFFENSES AGAINST PUBLIC PROPERTY

#### **Class B Misdemeanor**

- Failure to pay over fine, forfeiture or fee (76-8-405)
- Obstructing collection of revenue (76-8-406)
- Refusing to give tax assessment information, or giving false information (76-8-407)
- Giving false tax receipt or failing to give receipt (76-8-408)
- Doing business without a license (76-8-410)
- Trafficking in warrants (76-8-411)
- Damaging or removing monuments of official surveys (76-8-415)
- Taking toll or maintaining road, bridge, or ferry without authority, or refusal to pay lawful toll (76-8-416)
- Removing or damaging road signs (76-8-420)

#### **Class A Misdemeanor**

- Stealing, destroying or mutilating public records by one not a custodian (76-8-413)
- Damaging highways or bridges (76-8-419)

#### **Third Degree Felony**

- Misusing public monies (76-8-402)
- Failure to keep and pay over public monies (76-8-406)
- Stealing, destroying or mutilating public records by custodian (76-8-412)
- Recording false or forged instruments (76-8-414)
- Damaging jails (76-8-418)

#### **Second Degree Felony**

- Misusing public monies – exceeds \$5,000 (76-8-402)



**BURGLARY, ROBBERY,  
& THEFT/LARCENY**

Crime	<\$300 damage	<\$1,000 damage	<\$5,000 damage	>\$5,000 damage
Theft / Larceny	Class B Misd.	Class A Misd.	3rd Degree Felony	2nd Degree Felony
Mail Theft	Class A Misd.	Class A Misd.	3rd Degree Felony	2nd Degree Felony
Theft of utility or cable TV services	Class B Misd.	Class A Misd.	3rd Degree Felony	2nd Degree Felony

- \* Theft includes: theft by deception, theft by extortion, theft of lost property, theft of services, and retail theft.
- \* These crimes may be based on the monetary damages or on the following circumstances.

**Class B Misdemeanor**

- Manufacture or possession of instrument for burglary or theft (76-6-205)
- Criminal trespass (76-6-206)
- Criminal trespass of abandoned or inactive mines (76-6-206.1)
- Criminal trespass on state park lands (76-6-206.2)

**Class A Misdemeanor**

- Burglary of a vehicle (76-6-204)
- Devices for theft of services (76-6-409.1)
- Mail theft – value is less than \$1,000 or the value is unascertainable (76-6-1003)

**Third Degree Felony**

- Burglary (76-6-202)
- Theft – two prior convictions of theft, robbery, or burglary, or the property is an animal used for commercial purposes (76-6-412)
- Release of fur-bearing animals (76-6-413)
- Identity fraud – value of the credit, goods, or services is less than \$5,000 (76-6-1102)

**Second Degree Felony**

- Burglary – committed in a dwelling (76-6-202)
- Burglary of a railroad car (76-6-204.5)
- Robbery (76-6-301)
- Theft of utility or cable television services – a prior conviction (76-6-409.3)
- Theft – property is a firearm, property is a motor vehicle, actor is armed with a dangerous weapon, or property is stolen from the person of another (76-6-412)
- Identity fraud – value of the credit, goods, or services exceeds \$5,000 (76-6-1102)

**First Degree Felony**

- Aggravated burglary – uses a dangerous weapon or causes bodily injury (76-6-203)
- Aggravated robbery – uses a dangerous weapon, causes serious bodily injury, or takes a motor vehicle in the course of committing a robbery (76-6-302)





## **OFFENSES AGAINST PUBLIC ORDER AND DECENCY**

**DRUG OFFENSES  
DRIVING UNDER THE INFLUENCE  
FORGERY & FRAUD  
OTHER RELATED OFFENSES**

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### DRUG OFFENSES

#### Sentencing Enhancements

- Enhancement of one penalty degree for subsequent conviction (58-37-8)

#### Class C Misdemeanor

- Use of imitation controlled substance (58-37b-4)

#### Class B Misdemeanor

- Possession or use of less than one ounce of marijuana (58-37-8)
- Owner allowing property to be used by persons using controlled substances (58-37-8)
- Catch-all provision (58-37-8)
- Possession, use, or cultivation controlled substances or drug paraphernalia (58-37a-5)
- Distribution crystal iodine (58-37c-19)
- Selling or distributing an iodine matrix (58-37c-19.5)
- Abuse of psychotoxic chemical solvents (76-10-107)
- Purchasing or possessing more than 9 grams of pseudoephedrine (58-37c-20.5)
- Products containing ephedrine or pseudoephedrine can't be sold over the counter (58-37c-20.5)

#### Class A Misdemeanor

- Production, distribution, or possession of schedule V controlled substance (58-37-8)
- Possession or use of less than 16 ounces of schedule I or II controlled substance (58-37-8)
- Having schedule III, IV, or V controlled substances in one's body (58-37-8)
- Delivering or possessing controlled substances in one's body (58-37a-5)
- Advertising the sale of drug paraphernalia (58-37a-5)
- Manufacture, distribution or possession of imitation controlled substance (58-37b-4)
- Advertisement of imitation controlled substance (58-37b-7)
- Possessing, selling, or distributing crystal iodine (58-37c-19)
- Possessing or selling an iodine matrix (58-37c-19.5)
- Possession of red phosphorus (58-37c-19.7)
- Possession of ammonia (58-37c-19.9)
- Possession of ephedrine and pseudoephedrine (58-37c-20)
- Abuse of nitrous oxide (76-10-107.5)

# OFFENSES AGAINST PUBLIC ORDER AND DECENCY

## DRUG OFFENSES (CONTINUED)

### Third Degree Felony

- Production, distribution, or possession of schedule III or IV controlled substance (58-37-8)
- Possession or use of more than 16 ounces but less than 100 pounds of schedule I or II controlled substance (58-37-8)
- Having marijuana, tetrahydrocannabinols or equivalents in one's body (58-37-8)
- Delivering paraphernalia to a minor (58-37a-5)

### Second Degree Felony

- Production, distribution, or possession of schedule I or II controlled substance (58-37-8)
- Possession of more than 100 pounds of marijuana (58-37-8)
- Having schedule II controlled substance in one's body (58-37-8)
- Clandestine laboratory (58-37d-4)
- Endangerment of a child or elder adult (76-5-112.5)

### First Degree Felony

- Continuing criminal enterprise for the production, distribution, or possession of controlled substance (58-37-8)
- Increased penalty for committing a controlled substances violation in protected areas (58-37-8)
- Enhancement of clandestine laboratory (58-37d-5)
- Endangerment of a child or elder adult resulting in death (76-5-112.5)

### Examples of Schedule I-V Substances

(58-37-4)

<u>Schedule I</u>	<u>Schedule II</u>	<u>Schedule III</u>	<u>Schedule IV</u>	<u>Schedule V</u>
- Heroin	- PCP	- Ketamine	- Darvon	Generally, includes substances containing trace amounts of I-V substances.
- LSD	- Cocaine	- Anabolic Steroids	- Talwin	
- Marijuana	- Morphine	- Codeine	- Equinail	
- Ecstasy	- Methadone	- Barbiturates	- Valium	
- Methaqualone	- Methamphetamine	- Nalorphine	- Xanax	



### **DRIVING UNDER THE INFLUENCE**

#### **Variable Penalty**

- Local ordinances (41-6a-510)

#### **Class C Misdemeanor**

- Authorizing or permitting a person to drive a vessel while under the influence (73-18-15.5)

#### **Class B Misdemeanor**

- Operating an aircraft while under the influence of drugs or alcohol (72-10-501)
- Impaired driving (41-6a-502.5)
- First or second conviction for DUI (41-6a-503)

#### **Class A Misdemeanor**

- Inflicting bodily injury by operating an aircraft while under the influence of drugs or alcohol (72-10-501)
- Inflicting bodily injury by DUI (41-6a-503)
- DUI with a passenger 16 years old or younger (41-6a-503)
- DUI where driver is 21 years old or older and has a passenger under 18 years old (41-6a-503)

#### **Third Degree Felony**

- Automobile homicide—negligent and under the influence (76-5-207)
- Causing serious bodily injury by DUI (41-6a-503)
- DUI within 10 years of two or more DUI convictions (41-6a-503)
- DUI after being convicted of automobile homicide (41-6a-503)

#### **Second Degree Felony**

- Subsequent conviction for automobile homicide (76-5-207)
- Criminal automobile homicide—criminally negligent and under the influence (76-5-207)



### **FORGERY & FRAUD**

#### **Unspecified Penalty**

- Forgery or false labeling of historical specimen (9-8-308)

#### **Class C Misdemeanor**

- Presenting false credential by a swap market or flea market vendor (13-32-105)
- Forgery in election returns (20a-4-501)
- Abetting forgery or alteration in an election (20a-4-503)

#### **Class B Misdemeanor**

- Forgery of an official device, mark, or certificate (4-32-12)
- Possession of an unauthorized, counterfeit, simulated, forged or altered official mark (4-32-12)
- Forging a mark or label on food (4-5-3)
- Possession of an altered or forged prescription (58-37-8)
- Illegal destruction or falsification of will or directive [guilty of criminal homicide if causes life-sustaining procedures to be withheld or withdrawn and death to be hastened] (75-2-1115)
- Tampering with records (76-6-504)

#### **Class A Misdemeanor**

- Forging a letter of nomination, resignation, or declination (20a-1-605)
- Second conviction for possession of an altered or forged prescription (58-37-8)
- Providing false evidence of owner's or operator's security (73-18c-308)

#### **Third Degree Felony**

- Impersonating a parent or guardian to obtain a license for a minor to marry (30-1-14)
- Forging the name of a parent or guardian on any writing purporting to give consent to a marriage of a minor (30-1-14)
- Possessing a forged writing with intent to defraud the Alcohol and Beverage Control Commission (32a-12-310)
- Third conviction for possession of an altered or forged prescription (58-37-8)
- Falsified registration of certificate of title for motorboat, sailboat, or outboard motorboat (73-18-7.2)
- Forgery (76-6-501)
- Possession of forged writing or device for writing (76-6-502)

#### **Second Degree Felony**

- Forging a writing with intent to defraud the Alcohol and Beverage Control Commission (32a-12-310)
- False evidence of title and registration (41-1a-1315)
- Fraudulent use of personal identifying information that results in bodily injury (76-6-1102)



### OTHER RELATED OFFENSES

#### **Class C Misdemeanor**

- Disorderly conduct (76-9-102)
- Failure to disperse (76-9-104)
- Cruelty to animals – committed recklessly or with criminal negligence (76-9-301)
- Aggravated cruelty to animals – committed with criminal negligence (76-9-301)
- Intoxication – in a public place (76-9-701)
- Public urination (76-9-702)
- Providing cigars, cigarettes, or tobacco to minors (76-10-104)
- Threatening breach of peace – on a bus (76-10-1506)
- Obstructing operation of bus (76-10-1509)
- Unlawful use of a laser pointer (76-10-2501)

#### **Class B Misdemeanor**

- Riot (76-9-101)
- Disrupting a meeting or procession (76-9-103)
- Making a false alarm (76-9-105)
- Electronic communication harassment (76-9-201)
- Cruelty to animals – committed intentionally or knowingly (76-9-301)
- Aggravated Cruelty to animals – committed recklessly
- Spectator at organized animal fighting exhibitions (76-9-301.5)
- Allowing vicious animal to go at large (76-9-304)
- Privacy violation (76-9-402)
- Communication abuse (76-9-403)
- Criminal defamation (76-9-404)
- Libel (76-9-502)
- Slander, imputing unchastity to female (76-9-507)
- Abuse of a flag (76-9-601)
- Lewdness (76-9-702)
- Maintaining, committing or failing to remove public nuisance (76-10-804)
- Gambling (76-10-1102)
- Unlawful body piercing and tattooing of a minor (76-10-2201)
- Contributing to the delinquency of a minor (76-10-2301)

#### **Class A Misdemeanor**

- Aggravated cruelty to animals – committed intentionally or knowingly (76-9-301)
- Participation in an ultimate fighting match (76-9-705)

#### **Third Degree Felony**

- Riot – any person suffers bodily injury, substantial property damage, or armed with a dangerous weapon (76-9-101)
- Cruelty to animals—knowingly tortures a companion animal (76-9-301)
- Dog fighting (76-9-301.1)
- Allowing vicious animal to go at large – animal causes death of a person (76-9-304)
- Abuse or desecration of a dead human body (76-9-704)

#### **Second Degree Felony**

- Making a false alarm – relates to a weapon of mass destruction (76-9-105)
- Money laundering (76-10-1903)





## **OFFENSES AGAINST THE ADMINISTRATION OF GOVERNMENT**

**Obstructing Governmental Operations**

**Falsification in Official Matters**

**Abuse of Process**

**Corrupt Practices and Abuse of Office**

**Disruption of School Activities**

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### **OBSTRUCTING GOVERNMENTAL OPERATIONS**

#### **Class B Misdemeanor**

- Interference with public servant (76-8-301)
- Failure to disclose ID to police officer (76-8-301.5)
- Picketing or parading in or near court (76-8-302)
- Disturbing Legislature or official meeting (76-8-304)
- Interference with arresting officer (76-8-305)
- Failure to aid peace officer (76-8-307)
- Bail-jumping – the offense charged is a misdemeanor (76-8-312)
- Threatening elected officials, assault – bodily injury not attempted (76-8-315)
- Refusal to comply with order to evacuate or other orders issued in a local or state emergency (76-8-317)

#### **Class A Misdemeanor**

- Failure to stop at the command of a law enforcement officer (76-8-305.5)
- Acceptance of bribe or bribery to prevent criminal prosecution (76-8-308)

#### **Third Degree Felony**

- Prevention of Legislature or public servants from meeting or organizing (76-8-303)
- Obstruction of justice in criminal investigations – second or third degree felony offense, provides any person with a weapon, or committed before a court (76- 8-306)
- Escape – authorization to leave obtained through deceit or fraud (76-8-309)
- Bail-jumping – the offense charged is a felony (76-8-312)
- Threatening elected officials, assault – bodily injury is attempted or occurs (76-8-315)
- Influencing, impeding, or retaliating against a judge or member of the Board of Pardons and Parole – threatens to assault, kidnap, or murder (76-8-316)

#### **Second Degree Felony**

- Obstruction of justice in criminal investigations – capital or first degree felony offense (76- 8-306)
- Escape – from a state prison (76-8-309)
- Influencing, impeding, or retaliating against a judge or member of the Board of Pardons and Parole – commits an assault (76-8-316)

#### **First Degree Felony**

- Aggravated escape – uses a dangerous weapon (76-8-309)
- Influencing, impeding, or retaliating against a judge or member of the Board of Pardons and Parole – commits an aggravated assault or attempted murder (76-8-316)



### **FALSIFICATION IN OFFICIAL MATTERS AND ABUSE OF PROCESS**

#### **Class C Misdemeanor**

- False personal information to peace officer (76-8-507)

#### **Class B Misdemeanor**

- False or inconsistent statements (76-8-503)
- Written false statement (76-8-504)
- False or misleading information (76-8-504.6)
- Providing false information to law enforcement officers, government agencies, or specified professionals (76-8-506)
- Falsification or alteration of government record (76-8-511)
- Impersonation of officer (76-8-512)
- False judicial or official notice (76-8-513)
- False wearing or use of military or organization medal or insignia (76-8-514)
- Wrongful commencement of action in justice court (76-8-601)
- Assuming liability for conferring jurisdiction upon justice court judge (76-8-602)
- Wrongful attachment by justice court judge (76-8-603)

#### **Class A Misdemeanor**

- False statements, preliminary hearing (76-8-504.5)
- False personal information to peace officer – leads officer to believe that the person is another actual person (76-8-507)

#### **Third Degree Felony**

- Tampering with witness (76-8-508)
- Receiving or soliciting a bribe as a witness (76-8-508)
- Retaliation against a witness, victim, or informant (76-8-508.3)
- Tampering with juror (76-8-508.5)
- Tampering with evidence in noncriminal official proceedings (76-8-510.5)

#### **Second Degree Felony**

- False or inconsistent *material* statements (76-8-502)
- Extortion or bribery to dismiss criminal proceeding (76-8-509)



### **CORRUPT PRACTICES AND ABUSE OF OFFICE**

#### **Class C Misdemeanor**

- Peace officer prohibited from acting as compensated collection agent (76-8-110)

#### **Class B Misdemeanor**

- Failure of member of Legislature to disclose interest in measure or bill (76-8-109)
- Official misconduct – Unauthorized acts or failure of duty (76-8-201)
- Unofficial misconduct (76-8-203)

#### **Class A Misdemeanor**

- Threats to influence official or political action (76-8-104)
- Official misconduct – Unlawful acts based on “inside” information (76-8-202)

#### **Third Degree Felony**

- Bribery or offering a bribe – less than \$1,000 in value (76-8-103)
- Alteration of proposed legislative bill or resolution (76-8-107)
- Alteration of enrolled legislative bill or resolution (76-8-108)

#### **Second Degree Felony**

- Bribery or offering a bribe – exceeds \$1,000 in value (76-8-103)



### **PENALTIES FOR DISRUPTION OF SCHOOL ACTIVITIES**

#### **Class C Misdemeanor**

- Interfering or intending to interfere with activities – colleges/universities (76-8-703)
- Violation of rule or regulation of institution, failure to leave when ordered (76-8-704)
- Willful interference with lawful activities of students or faculty (76-8-705)

#### **Class B Misdemeanor**

- Disruption of activities in or near school building (76-8-1402)
- Disrupting the operation of a school (76-9-106)
- Unauthorized entry of school bus (76-9-107)

#### **Class A Misdemeanor**

- Injury or destruction of property (76-8-706)
- Disruption of activities in or near school building – third violation (76-8-1402)

#### **Second Degree Felony**

- Damage or destruction of property by explosives or flammable materials (76-8-715)





**OFFENSES AGAINST PUBLIC HEALTH,  
SAFETY, WELFARE, AND MORALS**

**WEAPONS**

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## WEAPONS

### Class B Misdemeanor

- Carrying a concealed dangerous weapon (76-10-504)
- Carrying a concealed firearm without ammunition (76-10-504)
- Carrying a loaded firearm in a vehicle or on a public street (76-10-505)
- Possession of a dangerous weapon on school premises (76-10-505.5)
- Discharge of a firearm from a vehicle (76-10-508)
- Possession of a dangerous weapon by a minor (76-10-509)
- Possession of a handgun by a minor (76-10-509.4)
- Providing a minor a handgun (76-10-509.5)
- Parent failing to remove a dangerous weapon or handgun from a minor (76-10-509.7)
- Carrying a dangerous weapon while intoxicated (76-10-529)

### Class A Misdemeanor

- Possession of a dangerous weapon by a Cat II restricted person (76-10-503)
- Carrying a concealed firearm containing ammunition (76-10-504)
- Possession of a firearm or sawed off shotgun or rifle on school premises (76-10-508)
- Threatened use of a dangerous weapon in a fight (76-10-506)
- Possession of a dangerous weapon with intent to assault (76-10-507)
- Possession of a dangerous weapon by a minor, 2nd offense (76-10-509)
- Possession of a handgun by a minor, 2nd offense (76-10-509.4)
- Providing a handgun to a minor, 2nd offense (76-10-509.5)
- Parent providing a violent minor a firearm (76-10-509.6)
- Unlawful marking of a pistol or revolver (76-10-521)
- Alteration of ID number on a pistol or revolver (76-10-522)
- Dealer making false statement on background check (76-10-527)
- Possession of a firearm within secure area of an airport (76-10-529)



## **WEAPONS (continued)**

### **Third Degree Felony**

- Possession of a dangerous weapon by a Cat I restricted person (76-10-503)
- Possession of a firearm by a Cat II restricted person (76-10-503)
- Discharging a firearm in the direction of a person or building (76-10-508)
- Possession of an automatic weapon, sawed off shotgun or rifle by a minor (76-10-509.4)
- Providing a minor an automatic weapon, sawed off shotgun or rifle (76-10-509.5)
- Parent providing a violent minor a firearm, 2nd offense (76-10-509.6)
- Selling a firearm to a minor (76-10-509.9)
- Dealer selling a firearm while violating background check (76-10-527)
- Purchase of a dangerous weapon or firearm with intent to resell to ineligible person (76-10-527)

### **Second Degree Felony**

- Possession of a firearm by a Cat I restricted person (76-10-503)
- Carrying a concealed sawed off shotgun or rifle (76-10-504)
- Use of a concealed firearm in a violent felony (76-10-504)
- Discharging a weapon in the direction of a person, building, or vehicle with intent to harass or intimidate. Bodily injury occurs. (76-10-508.1)

### **First Degree Felony**

- Discharging a weapon in the direction of a person, building, or vehicle with intent to harass or intimidate. Serious bodily injury occurs. (76-10-508.1)



## ***APPENDIX***

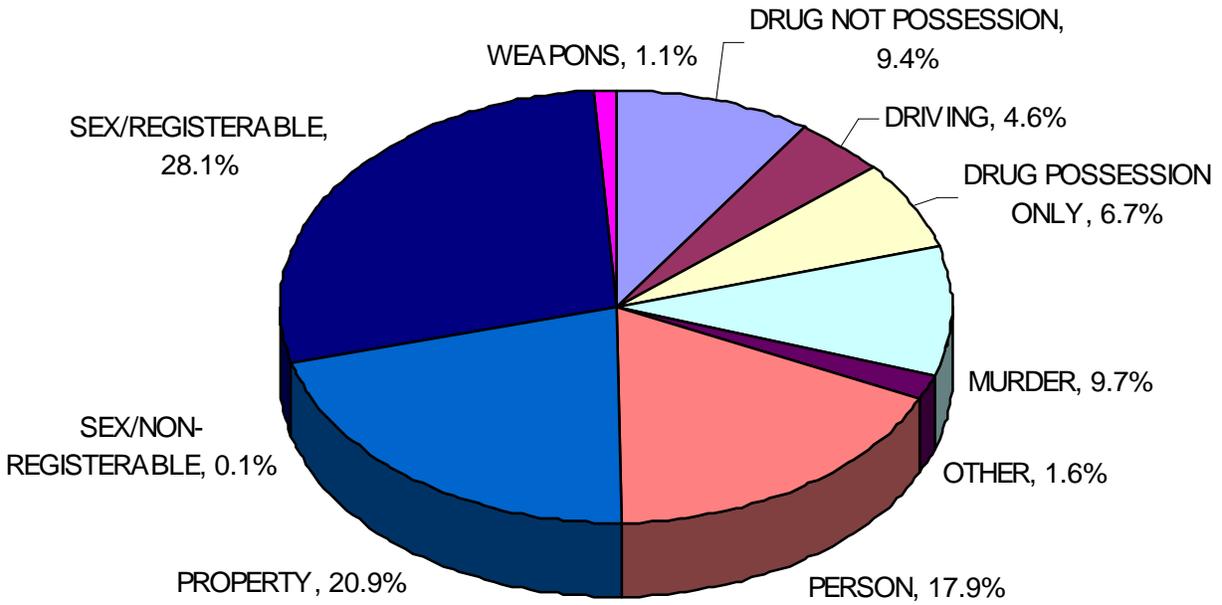
**Prison Population Breakdown by Offense Type  
Total Index Crime vs. Incarcerated Population Crime Rates**





## Prison Population Breakdown by Offense Type

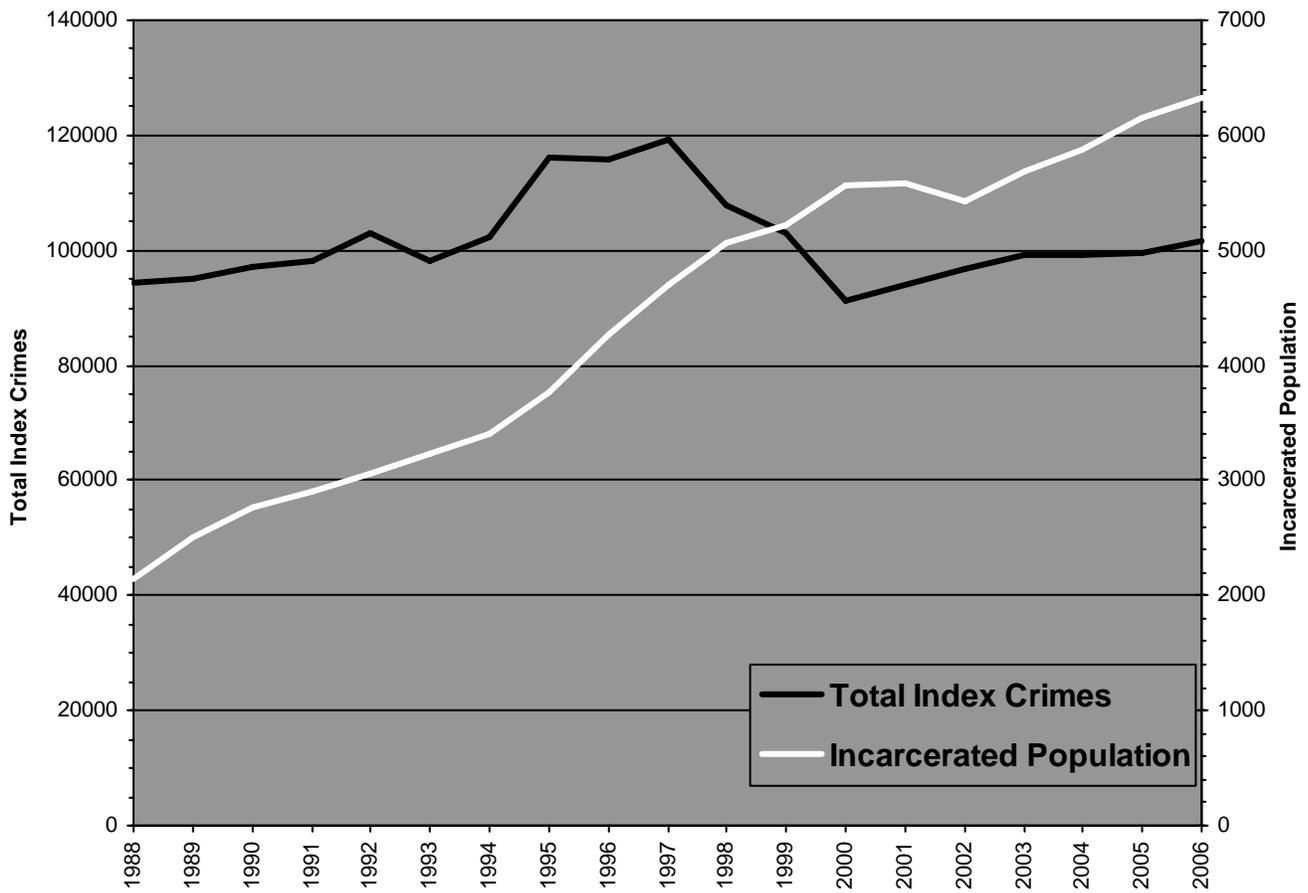
April 3, 2008





## Total Index Crime vs. Incarcerated Population

2007

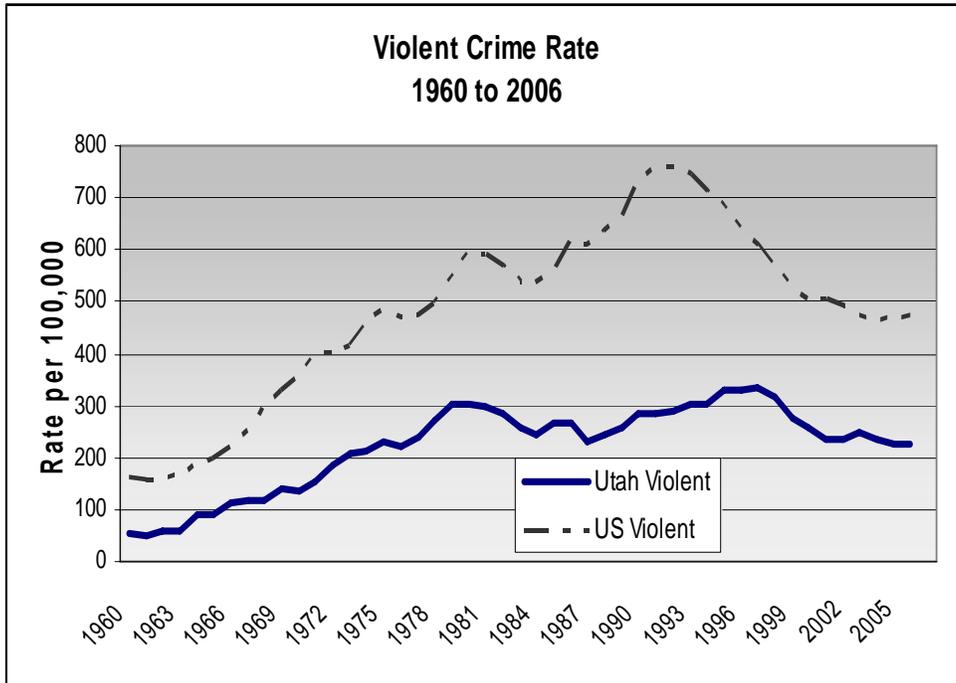


This graph shows the total number of reported crimes (not rates) compared to the total number of offenders incarcerated in the state prison system.

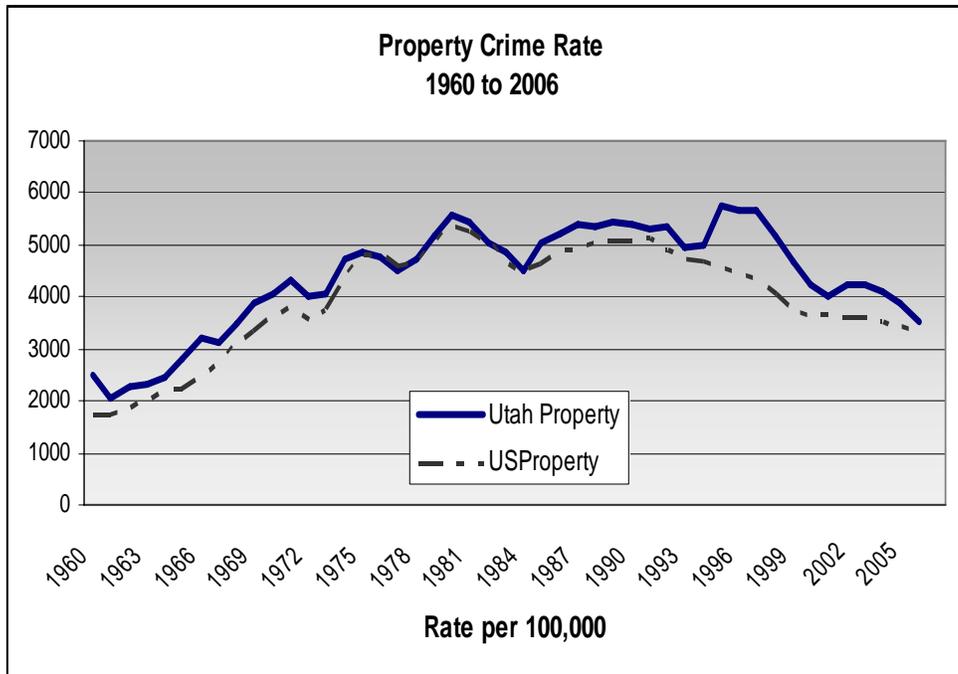
Index crimes include murder, rape, robbery, aggravated assault, burglary, theft / larceny, motor vehicle theft, and arson.



## Utah Reported Crime Rates 1960 through 2006



Violent crimes include murder, rape, robbery, and aggravated assault.



Property crimes include burglary, larceny (theft), motor vehicle theft, and arson. Utah's property crime rate is driven by a higher than average rate of reported larceny.





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**2008**

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**Rep. Lorie Fowlke  
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Statewide Association of Prosecutors**

**David Brickey  
Juvenile Prosecutor**

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Juvenile Court Judge**

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