

Criminal Electronic Harassment Amendments

2027 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jen Plumb

Sponsor:

LONG TITLE**General Description:**

This bill addresses criminal electronic harassment.

Highlighted Provisions:

This bill:

- clarifies that certain communication harassment offenses that qualify for an enhancement under Section 76-3-203.3 are not limited only to harassment by telephone;

- adds the offense of disclosure of personal information with intent to cause electronic communication harassment to the enhancement under Section 76-3-203.3;

- amends the penalty of the offense of electronic communication harassment to make it a class A misdemeanor on a first offense if, at the time the offense occurred:

- the actor is 18 year old or older and not an 18 year old who is enrolled in high school;

and

- the victim was under 18 years old; and

- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

76-3-203.3, as last amended by Laws of Utah 2026, Chapter 246

76-12-202, as renumbered and amended by Laws of Utah 2025, Chapter 173

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

Section 1. Section **76-3-203.3** is amended to read:

76-3-203.3 . Penalty for civil rights violation.

As used in this section:

- (1) "Primary offense" means those offenses ~~[provided]~~ described in Subsection (4).
- (2)(a) ~~[A person]~~ An actor who commits ~~[any]~~ a primary offense with the intent to intimidate or terrorize another person or with reason to believe that ~~[his]~~ the actor's action would intimidate or terrorize that person is subject to Subsection (2)(b).
- (b)(i) A class C misdemeanor primary offense is a class B misdemeanor; and
- (ii) a class B misdemeanor primary offense is a class A misdemeanor.
- (3)(a) "Intimidate or terrorize" means an act ~~[which]~~ that:
- (i) ~~[-]~~causes the person to fear for ~~[his]~~ the person's physical safety; or
- (ii) ~~[-]~~damages the property of that person or another~~[-]~~ person.
- (b) ~~[-]~~The act described in Subsection (3)(a) must be accompanied with the intent to cause or has the effect of causing a person to reasonably fear to freely exercise or enjoy any right secured by the Constitution or laws of the state or by the Constitution or laws of the United States.
- (4) Primary offenses referred to in Subsection (1) are the misdemeanor offenses for:
- (a) assault and related offenses under Sections 76-5-102, 76-5-102.4, 76-5-102.10, 76-5-106, 76-5-107, and 76-5-108;
- (b) any misdemeanor property destruction offense under Sections 76-6-102 and 76-6-104~~[,]~~ and Subsection 76-6-106(2)(a);
- (c) any criminal trespass offense under Sections 76-6-204 and 76-6-206;
- (d) any misdemeanor theft offense under Chapter 6, Offenses Against Property;
- (e) any offense of obstructing government operations under Sections 76-8-301, 76-8-301.2, 76-8-302, 76-8-305, 76-8-306, 76-8-307, 76-8-308, 76-8-309.2, and 76-8-313;
- (f) any offense of interfering or intending to interfere with activities of colleges and universities under Chapter 8, Part 7, Colleges and Universities;
- (g) any misdemeanor offense against public order and decency as defined in Chapter 9, Part 1, Breaches of the Peace and Related Offenses, other than Section 76-9-105.5, 76-9-105.6, 76-9-110, 76-9-111, 76-9-112, 76-9-113, or 76-9-114;
- (h) any ~~[telephone abuse]~~ offense under Sections 76-12-202, 76-12-203, 76-12-204, 76-12-205, and 76-12-206;
- (i) any cruelty to animals offense under Sections 76-13-202, 76-13-203, and 76-13-204;
- (j) any weapons offense under Section 76-11-207; or
- (k) a violation of Section 76-9-102, if the violation occurs at an official meeting.
- (5) This section does not affect or limit any individual's constitutional right to the lawful

expression of free speech or other recognized rights secured by the Constitution or laws of the state or by the Constitution or laws of the United States.

Section 2. Section **76-12-202** is amended to read:

76-12-202 . Electronic communication harassment.

(1) Terms defined in Sections 76-1-101.5, 76-12-101, and 76-12-201 apply to this section.

(2) Except to the extent an actor's conduct constitutes an offense under Section 76-12-206, an actor commits electronic communication harassment if, with intent to intimidate, abuse, threaten, harass, frighten, or disrupt the electronic communications of another person, the actor:

(a)(i) makes repeated contact by means of electronic communications, regardless of whether a conversation ensues; or

(ii) after the recipient has requested or informed the actor not to contact the recipient, and the actor repeatedly or continuously:

(A) contacts the electronic communication device of the recipient; or

(B) causes an electronic communication device of the recipient to ring or to receive other notification of attempted contact by means of electronic communication;

(b) makes contact by means of electronic communication and insults, taunts, or challenges the recipient of the communication or any person at the receiving location in a manner likely to provoke a violent or disorderly response;

(c) makes contact by means of electronic communication and threatens to inflict injury, physical harm, or damage to any person or the property of any person; or

(d) causes disruption, jamming, or overload of an electronic communication system through excessive message traffic or other means utilizing an electronic communication device.

(3)(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class B misdemeanor.

(b) A ~~[second or subsequent]~~ violation of Subsection (2) is a class A misdemeanor~~[-]~~ if:

(i) the violation is the actor's second or subsequent violation of Subsection (2); or

(ii) except as provided in Subsection (3)(c), at the time of the violation:

(A) the actor was 18 years old or older;

(B) the person described in Subsection (2) was an individual younger than 18 years old; and

(C) the actor knew the person described in Subsection (2) was an individual

99 younger than 18 years old.

100 (c) Subsection (3)(b)(ii) does not apply to an actor who was 18 years old and enrolled in
101 high school at the time of the offense.

102 (4)(a) Except as provided in Subsection (4)(b), a criminal prosecution under this section
103 does not affect an individual's right to bring a civil action for damages suffered as a
104 result of the commission of an offense under this section.

105 (b) This section does not create a civil cause of action based on electronic
106 communications made for a legitimate business purpose.

107 (5) A violation of this section is subject to prosecution in the jurisdiction in which the
108 electronic communication originated or was received.

109 Section 3. **Effective Date.**

110 This bill takes effect on May 5, 2027.