

R156. Commerce, [Occupational and] Professional Licensing.

R156-40. Recreational Therapy Practice Act Rule.

R156-40-101. Title[-], Authority, and Purpose

(1) This rule is known as the "Recreational Therapy Practice Act Rule."^[-]

(2) This rule is adopted by the Division under the authority of Subsection 58-1-106(1)(a) to enable the Division to administer Title 58, Chapter 40, Recreational Therapy Practice Act.

R156-40-102. Definitions.

[In addition to] The following definitions supplement the definitions in Title 58, Chapter[s] 1, Division of Professional Licensing Act, and Title 58, Chapter 40, Recreational Therapy Practice Act; [as used in Title 58, Chapters 1 and 40 or this rule:

(1) "Approved graduate degree", as used in Subsection 58-40-302(2)(a), means an earned graduate Masters, Ed.D., or Ph.D.) degree in recreational therapy or a graduate degree with an approved emphasis in recreational therapy, which includes:

(a) a minimum of nine semester hours or 12 quarter hours of upper division or graduate level coursework in therapeutic recreation and/or recreational therapy;

(b) a minimum of 18 semester hours or 24 quarter hours of supportive coursework as outlined by the January 2017 NCTRC Certification Standards, Part I, which are incorporated by reference; and

(c) an approved practicum that:

(i) includes field placement experience in recreational therapy services that:

(A) uses the therapeutic recreation process as defined in the 2014 NCTRC Job Analysis, which is incorporated by reference; and

(B) is under the supervision of an onsite field placement supervisor who:

(I) is licensed in Utah as a TRS or MTRS; and

(II) is nationally certified by NCTRC as a CTRS; and

(ii) if the practicum is conducted outside Utah, is verified on an official university transcript.

(2) "Approved emphasis, option, or concentration in therapeutic recreation or recreational therapy", as used in Subsection 58-40-302(3)(a)(ii), means an emphasis, option or concentration posted on the transcript that meets the January 2017 NCTRC Certification Standards, Part I, which are incorporated by reference, including:

(a) a minimum of 18 semester or 24 quarter hours of therapeutic recreation and general recreation content coursework with no less than a minimum of 15 semester or 20 quarter hours in therapeutic recreation, consisting of a minimum of five three credit hour courses;

(b) a total of 18 semester or 24 quarter hours of support coursework with a minimum of:

(i) ~~three semester hours or four quarter hours coursework in the content area of anatomy and physiology;~~
(ii) ~~three semester hours or four quarter hours coursework in the content area of abnormal psychology;~~
and

(iii) ~~three semester hours or four quarter hours coursework in the content area of human growth and development across the lifespan. The remaining semester hours or quarter hours of coursework must be fulfilled in the content area of "social sciences and humanities" as defined by the NCTRC;~~ and

(e) ~~field placement experience in therapeutic recreation services that:~~

(i) ~~uses the therapeutic recreation process as defined in the January 2014 NCTRC Job Analysis, which is incorporated by reference;~~

(ii) ~~is under the supervision of an academic supervisor and an onsite field placement supervisor, each of whom:~~

(A) ~~is state licensed as a TRS or MTRS;~~

(B) ~~is nationally certified by NCTRC as a CTRS; and~~

(C) ~~meets the standards for field placement supervision; and~~

(iii) ~~if the practicum is conducted outside Utah, is verified on an official university transcript.~~

(3) ~~"Consultation", as used in Subsection 58-40-601(3)(a)(ii), is defined in Subsection R156-40-302f.]~~

([4]1) "CTRS" means ~~[a person]~~an individual certified as a Certified Therapeutic Recreation Specialist by the NCTRC.

([5]2) "Diversional activity" means an activity that is unrelated to the goals, objectives, and expected outcomes outlined in the ~~[a]~~recreational therapy treatment or intervention plan~~[a]~~ described in Section 58-40-602.

([6) "Full time and on site", as used in Subsections 58-40-601(3)(a) and (b), means an individual who is employed on the premises with the hiring agency for a minimum of 30 hours per week.

(7) "Initial recreational therapy treatment", as used in Subsection R156-40-302f(3), means an order that directs the TRT to:

(a) ~~collect data from chart reviews, interviews, and observations as part of an assessment as defined in Subsection 58-40-102(2)(a)(i);~~

(b) ~~invite the patient to leisure diversionary programs and observe for recreation and leisure patterns;~~

(c) ~~provide leisure materials to the patient and support the patient's independent leisure choices; and~~

(d) ~~complete recreation therapy admission notes.~~

(8) "Maintain the ongoing documentation", as used in Subsection 58-40-601(3)(b), means:

(a) ~~documenting the ongoing treatment or intervention provided to clients according to the treatment plan; and~~

(b) ~~providing review of patient status according to federal, state, and agency regulations.]~~

([9]3) "MTRS" means [a person]an individual licensed as a master therapeutic recreation specialist.

([10]4) "NCTRC" means the National Council for Therapeutic Recreation Certification.

(5) "On-site, full-time" as used in Subsection 58-40302(4)(c)(ii) and "Full-time and on-site" as used in Subsections 58-40-601(3)(a)(i) and (b)(i), mean the individual is employed on the premises with the hiring agency at least 30 hours per week.

[(11) "Supervision", as used in Section 58-40-601, means that a person who is employed full time and on site as a TRS or MTRS by a recreational therapy services provider is responsible to ensure that the supervised TRT implements the treatment plan as established by the supervisor.

(12) "Supervision of a temporary TRS", as used in Subsection R156-40-302g(1)(d), means that the TRS or MTRS supervisor:

- (a) is responsible for the recreational therapy interventions performed by the temporary TRS; and
- (b) will be required to review and approve the treatment plans as well as any modifications to the treatment plans as evidenced by the signature of the TRS or MTRS in the treatment plan.]

([13]6) "TRS" means [a person]an individual licensed as a therapeutic recreation specialist.

([14]7) "TRT" means [a person]an individual licensed as a therapeutic recreation technician.

([15]8) "Written plan of operation" [§] as used in Subsection 58-40-102(6)(b)(viii), means a comprehensive management plan that outlines recreational therapy services that, at a minimum, includes:

- (a) vision and mission statement;
- (b) policy and procedures;
- (c) assessment protocol;
- (d) treatment [and/or] intervention plan;
- (e) scope of care; and
- (f) personnel management.

[(16) "Unprofessional conduct" is defined in Title 58, Chapters 1 and 40.]

R156-40-103. Authority - Purpose.

This rule is adopted by the Division under the authority of Subsection 58-1-106(1)(a) to enable the Division to administer Title 58, Chapter 40, Recreational Therapy Practice Act.

R156-40-302a. Qualifications for Licensure - Education Requirements.

[In accordance with Section 58-40-302, the educational requirements for licensure include:]

- (1) [An] For an MTRS applicant under Subsection 58-40-302(2)(a), the approved graduate degree[shall:]

is an earned master's or doctorate degree in recreational therapy or a graduate degree with an approved emphasis in recreational therapy, which includes:

- (a) a minimum of nine semester hours or 12 quarter hours of upper division or graduate level coursework in therapeutic recreation or recreational therapy;
- (b) a minimum of 18 semester hours or 24 quarter hours of supportive coursework as outlined by the July 1, 2021 NCTRC Certification Standards, Part I, which are incorporated by reference; and
- (c) an approved practicum that:
 - (i) includes field placement experience in recreational therapy services that:
 - (A) uses the therapeutic recreation process as defined in the 2014 NCTRC Job Analysis, which is incorporated by reference; and
 - (B) is under the supervision of an onsite field placement supervisor who is:
 - (I) licensed in Utah as a TRS or MTRS; and
 - (II) certified by NCTRC as a CTRS; and
 - (ii) if the practicum is conducted outside Utah, is verified on an official university transcript.

~~[(a) complete an approved graduate degree as defined in R156-40-102(1);~~

~~(b) have a current NCTRC certification as a CTRS or a current license as a TRS; and~~

~~(c) document completion of the education and 4000 hours of paid experience while nationally certified as a CTRS or licensed as a TRS].~~

(2) [A] For a TRS applicant under Subsection 58-40-302(3)(a)(ii), the approved bachelor's degree with an emphasis, option, or concentration in therapeutic recreation or recreational therapy [shall:

- (a) have a current NCTRC certification as a CTRS; and
- (b) document completion of the education and practicum requirements for licensure as a TRS on an official university transcript.]

is an emphasis, option or concentration posted on the transcript that meets the July 1, 2021 NCTRC Certification Standards, which are incorporated by reference, including:

- (a) a minimum of 18 semester or 24 quarter hours of therapeutic recreation and general recreation content coursework with a minimum of 15 semester or 20 quarter hours in therapeutic recreation, consisting of a minimum of five three-credit hour courses;
- (b) a total of 18 semester or 24 quarter hours of support coursework with a minimum of:
 - (i) three semester hours or four quarter hours coursework in anatomy and physiology;
 - (ii) three semester hours or four quarter hours coursework in abnormal psychology; and
 - (iii) three semester hours or four quarter hours coursework in human growth and development across the lifespan; and

(iv) the remaining semester hours or quarter hours of coursework in social sciences and humanities, as defined by the NCTRC; and

(c) field placement experience in therapeutic recreation services that:

(i) uses the therapeutic recreation process as defined in the January 2014 NCTRC Job Analysis, which is incorporated by reference;

(ii) is under the supervision of an academic supervisor and an onsite field placement supervisor, each of whom:

(A) is state licensed as a TRS or MTRS;

(B) is certified by NCTRC as a CTRS; and

(C) meets the standards for field placement supervision; and

(iii) if the practicum is conducted outside Utah, is verified on an official university transcript.

(3) [A] For a TRT applicant [shall]:

(a) [have] under Subsection 58-40-302(4)(b)(i), an approved educational course in therapeutic recreation taught by an MTRS[, as required by Subsection 58-40-302(4)(b)(i), which] shall consist of 90 hours of structured education under the instruction and direction of a licensed MTRS, or if completed out of state, [under the direction of] a nationally certified CTRS, which includes:

(i) theories and concepts of recreational therapy;

(ii) the therapeutic recreation process;

(iii) characteristics of illness and disability and their effects on leisure;

(iv) medical and psychiatric terminology including psychiatric, pharmacology, gerontology, and abbreviations;

(v) ethics;

(vi) role and function of other health and human service professionals, including[;] agencies, medical specialists, and allied health professionals; and

(vii) health and safety; and

(b) [complete] under Subsection 58-40-302(4)(e), an approved course with a minimum of two hours of training in suicide prevention shall consist of a two-hour pre-licensure course[, as required by Subsection 58-40-302(4)(e), which shall meet the requirements of this Subsection.] that meets the following requirements:

(i) [T]he course provider shall be[one of the following]:

(A) a recognized accredited college or university;

(B) a county, state, or federal agency; or

(C) a professional association, society, or organization representing a licensed profession[;];

(ii) [T]he course content [of the course] shall be relevant to recreational therapy and include one or more of the following subject areas:

- (A) suicide concepts and facts;
- (B) suicide risk assessment, crisis intervention, and first aid;
- (C) evidence-based intervention for suicide risk;
- (D) continuity of care and follow-up services for suicide risk; or
- (E) therapeutic alliances for intervention in suicide risk[-];

(iii) [E]each hour of education shall consist of 50 minutes of education in the form of classroom lectures and discussion, workshops, webinars, online self-paced modules, case study review, or simulations[-]; and

(iv) [A]the course provider shall document and verify attendance and completion.

[~~(v) An applicant for licensure is responsible for submitting evidence of course completion to the Division as a prerequisite for licensure.~~]

R156-40-302b. Qualifications for Licensure - Experience Requirements.

[In accordance with Section 58-40-302, the experience requirements for licensure include:]

(1) [An MTRS is required to complete] The 4,000 qualifying hours of paid experience[, as required by] for an MTRS applicant under Subsection 58-40-302(2)(b) [, which] means [an individual must either]:

- (a) work as a TRS in Utah in a paid position practicing recreational therapy; or
- (b) work as a CTRS outside of Utah [as a CTRS] in a paid position practicing recreational therapy.

(2) [A TRS is required to complete an] An approved practicum[, as required by] for a TRS applicant under Subsection 58-40-302(3)(b) [, which] means a practicum verified on the degree transcript.

(3) [A TRT is required to complete an] An approved practicum[, as required by] for a TRT applicant under Subsection 58-40-302(4)(c) [, which] means 125 hours of field work experience [to be] completed over [a duration of] not more than nine months, under the direction of a licensed TRS supervisor or MTRS supervisor or consultant, that includes:

- (a) a minimum of 20 hours of direct face to face supervision of programming, documentation, and treatment intervention [by the TRS or MTRS supervisor or consultant];
- (b) training in recreational therapy or therapeutic recreation process and recreational therapy services as defined in Subsections 58-40-102(5) and (6);
- (c) interdisciplinary contact;
- (d) administration contact; and
- (e) community relations.

R156-40-302c. Qualifications for Licensure - Examination Requirements.

[In accordance with Subsections 58-40-302(2)(c), (3)(c) and (4)(d), applicants for licensure shall pass the following examinations:]

- (1) [Applicants] Under Subsections 58-40-302(2)(c) and (3)(c), an applicant for licensure as a TRS or MTRS shall [pass]have passed the NCTRC certification examination, as evidenced by [a] current NCTRC certification as [an]a CTRS.
- (2) [Applicants] Under Subsection 58-40-302(4)(d), an applicant for licensure as a TRT shall [pass]have passed the Utah Therapeutic Recreation Technician Theory Examination with a minimum score of 70%.
- (3) An applicant [Applicants] for licensure as a TRT who fails the Utah Therapeutic Recreation Technician Theory Examination three consecutive times [must]shall repeat the educational coursework. under Subsection 58-40-302(4)(b) before the applicant may retake the examination.

[R156-40-302d. Time Limitation for TRT applicants.]

- (1) [In accordance with Subsection 58-40-302(4) and Sections R156-40-302a, R156-40-302b and R156-40-302c, a TRT applicant shall pass the examinations and apply for licensure after completion of the 125 practicum hours required under Subsection R156-40-302b(3) and must do so within the same nine month period referred to in that Subsection.]
- (2) A TRT applicant who does not complete the education, practicum, and examination[s] within nine months [is not eligible to]may not be employed as a TRT student in a therapeutic recreation department.
- [(3) A TRT student who does not seek licensure within two years after completion of the education course shall retake the education, practicum and pass the examination prior to applying for licensure.]

[R156-40-302e. Qualifications for Supervision.]

"Supervision of a therapeutic recreation technician", as used in Subsection 58-40-601(3)(a)(i), means that the TRS or MTRS supervisor is employed full time and onsite in the same hospital, clinic, or facility as the person being supervised and is responsible for:

- (1) providing "general supervision" as defined by Subsection R156-1-102(4)(e);
- (2) ensuring that recreation therapy services are provided according to the Recreational Therapy Practice Act, standards of the profession, administrative and governing regulations;
- (3) providing training, clinical guidance and evaluation; and
- (4) demonstrating, as evidenced by the signature of the TRS or MTRS in the patient chart, review and evaluation of ongoing documentation.

R156-40-302f. Qualifications for Consultation.

~~"In consultation with a master therapeutic recreation technician", as used in Subsection 58-40-601(3)(a)(ii), means that the MTRS consultant contracted by the agency is responsible for:~~

- ~~(1) providing "general supervision" as defined in Subsection R156-1-102a(4)(e);~~
- ~~(2) performing the assessment as described in Subsection 58-40-102(2)(a)(ii);~~
- ~~(3) prescribing "initial recreational therapy treatment" as defined in Subsection R156-40-102(7), outlining the recreation therapy services to be performed by the TRT upon client admission, and to be superseded by the recreation therapy treatment or intervention plan;~~
- ~~(4) prescribing, creating or modifying the treatment or intervention plans to be performed by the TRT as determined by the assessment;~~
- ~~(5) observing, evaluating, and documenting that the recreation therapy services are being conducted according to administrative and governing regulations;~~
- ~~(6) observing, evaluating, and documenting adherence to the standards of practice of the recreational therapy profession; and~~
- ~~(7) demonstrating adherence, as evidenced by the signature of the MTRS in the patient chart, reviews, and evaluation of ongoing regulatory documentation.]~~

R156-40-302[g]e. Qualifications for Temporary License as a TRS - Supervision Required.

- (1) ~~[In accordance with]~~ Under Section 58-1-303, an applicant for temporary licensure as a TRS shall:
 - (a) submit an application for temporary license in the form ~~[prescribed]~~ provided by the Division, which includes a verification that the applicant has registered and been approved to take the next available NCTRC examination;
 - (b) under Subsection 58-40-302(1)(b), pay a fee determined by the department under Section 63J-1-504; and
 - (c) meet ~~[all]~~ the requirements for licensure, except passing the NCTRC certification examination~~[; and]~~.
 - (d) ~~[A temporary TRS may practice recreational therapy only under the supervision of a Utah licensed TRS or MTRS[, as defined in Subsection R156-40-102(12).]~~ who:
 - (a) is responsible for the recreational therapy interventions performed by the temporary TRS; and
 - (b) reviews and approves each treatment plan and modification to a treatment plan as evidenced by the signature of the TRS or MTRS in the treatment plan.
- (2) ~~[The]~~ A temporary TRS license shall be issued for a period not to exceed 120 days, to allow the applicant to pass the NCTRC examination.
- (3) ~~[The]~~ A temporary TRS license ~~[shall]~~ may not be renewed or extended for any purpose.

R156-40-303. Renewal Cycle - Procedures.

- (1) [In accordance with] Under Subsection 58-1-308(1), the renewal date for the two-year renewal cycle [applicable to] for licenses under Title 58, Chapter 40, Recreational Therapy Practice Act is established [by rule] in Subsection R156-1-308a(1).
- (2) Renewal procedures shall be in accordance with Sections R156-1-308e R156-1-308b through R156-1-308l.

R156-40-304. Continuing Education.

~~[In accordance with Section 58-40-304, qualified continuing education requirements are established as follows:]~~

- (1) [All] Under Section 58-40-304, each MTRS, TRS, and TRT licensee[s] shall complete 20 hours of qualified continuing education during each two-year license period, including two hours of suicide prevention training, that meets the requirements of this section.
- (2) Qualified continuing education hours for licensees who have not been licensed for the entire two-year period shall be prorated from the date of licensure.
- (3) Continuing education under this section shall:
 - (a) be relevant to the licensee's professional practice;
 - (b) be prepared and presented by individuals who are qualified by education, training, and experience to provide recreational therapy continuing education; and
 - (c) have a method of verification of attendance and completion.
- (4) The suicide prevention training shall include one or more of the following subject areas:
 - (a) suicide concepts and facts;
 - (b) suicide risk assessment, crisis intervention, and first aid;
 - (c) evidence-based intervention for suicide risk;
 - (d) continuity of care and follow-up services for suicide risk; or
 - (e) therapeutic alliances for intervention in suicide risk.
- (5) Credit for continuing education shall be recognized in accordance with the following:
 - (a) unlimited hours for continuing education completed in blocks of time of not less than 50 minutes in formally established live, internet, or webinar classroom courses, seminars, lectures, conferences, or training sessions, which [meet the criteria listed in Subsection (3) above, and which] are approved by, conducted by, or under the sponsorship of:
 - (i) the Division of [Occupational and] Professional Licensing;
 - (ii) recognized universities and colleges; or

- (iii) professional associations, societies, or [and] organizations representing a licensed profession whose program objectives relate to the practice of recreational therapy;
- (b) a maximum of ten hours [per two year period] may be recognized for teaching continuing education courses relevant to recreational therapy;
- (c) [a maximum of 12 hours per two year period may be recognized for continuing education courses completed via the internet or webinar which provide a certificate of completion;
- (d) a maximum of four hours [per two year period] may be recognized for CPR and first aid certification through a live or hybrid course[-not online]; and
- (e) a maximum of six hours [per two year period] may be recognized for publications in an article, journal, newsletter, or other professional publication.

(6) A licensee subject to circumstances that prevent the licensee from meeting one or more [of these] continuing education requirements may request a waiver or extension of time for [a period of] up to three years, in accordance with [the provisions of] Section R156-1-308d.

(7) A licensee shall maintain [e]competent records of completed qualified continuing education for a period of six] documentation sufficient to prove compliance with this section, for two years after the end of the license period for which the continuing education is due, and if requested by the Division[,] shall demonstrate that the licensee meets the requirements of this section.

R156-40-502. Unprofessional Conduct.

Under Subsection 58-40-502(9), unprofessional conduct includes:

- (1) failing to establish and maintain professional boundaries with a patient or former patient;
- (2) exploiting a current patient or former patient for personal gain;
- (3) failing as a TRS[/] or MTRS to ensure the student TRT completes the minimum required education and experience prior to working with patients;
- (4) failing as a TRS[/] or MTS to ensure the student TRT is competent to provide recreational therapy services [when signing]before the TRS or MTRS signs the TRT's education and experience verification; and
- (5) failing to abide by [the provisions of] the American Therapeutic Recreation Association (ATRA) Code of Ethics, November 2009, which is incorporated by reference.

R156-40-601. Scope of Practice – TRT Supervision and Consultation.

- (1) A TRT supervisor under Section 58-40-601 shall ensure that the TRT implements the treatment plan as established by the supervisor.
- (2) Under Subsection 58-40-601(3)(a)(i), an MTRS or TRS employed full-time and onsite in the same hospital, clinic, or facility as the TRT being supervised, who is supervising a TRT performing recreational services, shall:

- (a) provide indirect supervision as defined in Subsection R156-1-102(4)(b);
- (b) ensure that the recreational therapy services are performed in accordance with applicable laws and rules and the standards of the profession;
- (c) provide training, clinical guidance and evaluation; and
- (d) demonstrate, as evidenced by the supervisor's signature in the patient chart, the supervisor's review and evaluation of ongoing documentation.

(3) Under Subsection 58-40-601(3)(a)(ii), an MTRS consultant who is supervising a TRT performing recreational services shall:

- (a) provide general supervision as defined in Subsection R156-1-102a(4)(c);
- (b) perform the assessment in Subsection 58-40-102(2)(a)(ii);
- (c) prescribe, create, or modify the treatment or intervention plans to be performed by the TRT;
- (d) observe, evaluate, and document that the recreational therapy services are performed in accordance with applicable laws and rules and the standards of the profession; and
- (e) demonstrate, as evidenced by the signature of the MTRS in the patient chart, the supervisor's review and evaluation of ongoing documentation.

KEY: licensing, recreational therapy, recreation therapy

Date of Enactment or Last Substantive Amendment: July 25, 2017

Notice of Continuation: March 23, 2021

Authorizing, and Implemented or Interpreted Law: 58-40-101; 58-1-106(1)(a); 58-1-202(1)

DEFINITIONS	CODE REFERENCE
<p>Abuse or Neglect of a Child with a Disability - "Abuse" means:</p> <p>(i) inflicting physical injury, as that term is defined in Section 76-5-109;</p> <p>(ii) having the care or custody of a child with a disability, causing or permitting another to inflict physical injury, as that term is defined in Section 76-5-109; or</p> <p>(iii) unreasonable confinement.</p> <p>"Neglect" means failure by a caretaker to provide care, nutrition, clothing, shelter, supervision, or medical care</p>	76-5-110
<p>Abuse, Neglect, or Exploitation of a Vulnerable Adult - Under any circumstances likely to produce death or serious physical injury, a person, including a caretaker, who causes a vulnerable adult to suffer serious physical injury or, having the care or custody of a vulnerable adult, causes or permits that adult's person or health to be injured, or causes or permits a vulnerable adult to be placed in a situation where the adult's person or health is endangered, is guilty of the offense of aggravated abuse of a vulnerable adult</p>	76-5-111
<p>Alcohol Restricted Driver - "alcohol restricted driver" means a person who:</p> <p>(a) within the last two years:</p> <p>(i) has been convicted of:</p> <p>(A) a misdemeanor violation of Section 41-6a-502;</p> <p>(B) alcohol, any drug, or a combination of both-related reckless driving under Section 41-6a-512;</p> <p>(C) impaired driving under Section 41-6a-502.5;</p> <p>(D) local ordinances similar to Section 41-6a-502, alcohol, any drug, or a combination of both-related reckless driving, or impaired driving adopted in compliance with Section 41-6a-510;</p>	41-6a-529
<p>Animal Cruelty - Except as provided in Subsection (4) or (6), a person is guilty of cruelty to an animal if the person, without legal privilege to do so, intentionally, knowingly, recklessly, or with criminal negligence:</p> <p>(a) fails to provide necessary food, water, care, or shelter for an animal in the person's custody;</p> <p>(b) abandons an animal in the person's custody;</p> <p>(c) injures an animal;</p> <p>(d) causes any animal, not including a dog or game fowl, to fight with another animal of like kind for amusement or gain; or</p> <p>(e) causes any animal, including a dog or game fowl, to fight with a different kind of animal or creature for amusement or gain.</p>	76-9-301
<p>Arson - A person is guilty of arson if, under circumstances not amounting to aggravated arson, the person by means of fire or explosives unlawfully and intentionally damages:</p> <p>(a) any property with intention of defrauding an insurer; or</p> <p>(b) the property of another.</p>	76-6-102
<p>Aggravated Arson - A person is guilty of aggravated arson if by means of fire or explosives he intentionally and unlawfully damages:</p> <p>(a) a habitable structure; or</p> <p>(b) any structure or vehicle when any person not a participant in the offense is in the structure or vehicle.</p>	76-6-103
<p>Assault By A Prisoner - Any prisoner who commits assault, intending to cause bodily injury, is guilty of a felony of the third degree.</p>	76-5-102.5

Assault - (a) an attempt, with unlawful force or violence, to do bodily injury to another; or (b) an act, committed with unlawful force or violence, that causes bodily injury to another or creates a substantial risk of bodily injury to another.	76-5-102
Aggravated Assault - Aggravated assault is an actor's conduct: (a) that is: (i) an attempt, with unlawful force or violence, to do bodily injury to another; (ii) a threat, accompanied by a show of immediate force or violence, to do bodily injury to another; or (iii) an act, committed with unlawful force or violence, that causes bodily injury to another or creates a substantial risk of bodily injury to another; and (b) that includes the use of: (i) a dangerous weapon as defined in Section 76-1-601; (ii) any act that impedes the breathing or the circulation of blood of another person by the actor's use of unlawful force or violence that is likely to produce a loss of consciousness by: (A) applying pressure to the neck or throat of a person; or (B) obstructing the nose, mouth, or airway of a person; or <i>(iii) other means or force likely to produce death or serious bodily injury</i>	76-5-103
Burglary - An actor is guilty of burglary who enters or remains unlawfully in a building or any portion of a building with intent to commit: (a) a felony; (b) theft; (c) an assault on any person; (d) lewdness, a violation of Section 76-9-702; (e) sexual battery, a violation of Section 76-9-702.1; (f) lewdness involving a child, in violation of Section 76-9-702.5; or (g) voyeurism under Section 76-9-702.7	76-6-202
Aggravated Burglary - A person is guilty of aggravated burglary if in attempting, committing, or fleeing from a burglary the actor or another participant in the crime: (a) causes bodily injury to any person who is not a participant in the crime; (b) uses or threatens the immediate use of a dangerous weapon against any person who is not a participant in the crime; or (c) possesses or attempts to use any explosive or dangerous weapon.	76-6-203
Burglary of a Vehicle - Any person who unlawfully enters any vehicle with intent to commit a felony or theft is guilty of burglary of a vehicle.	76-6-204
Bus Hijacking - A person is guilty of bus hijacking if the person seizes or exercises control, by force or violence or threat of force or violence, of a bus within the state.	76-10-1504

<p>Child Abuse - Any person who inflicts upon a child serious physical injury or, having the care or custody of such child, causes or permits another to inflict serious physical injury upon a child is guilty of an offense as follows:</p> <p>(a) if done intentionally or knowingly, the offense is a felony of the second degree;</p> <p>(b) if done recklessly, the offense is a felony of the third degree; or</p> <p>(c) if done with criminal negligence, the offense is a class A misdemeanor.</p> <p>(3) Any person who inflicts upon a child physical injury or, having the care or custody of such child, causes or permits another to inflict physical injury upon a child is guilty of an offense as follows:</p> <p>(a) if done intentionally or knowingly, the offense is a class A misdemeanor;</p> <p>(b) if done recklessly, the offense is a class B misdemeanor; or</p> <p>(c) if done with criminal negligence, the offense is a class C misdemeanor.</p>	76-5-109
<p>Communications Fraud - Any person who has devised any scheme or artifice to defraud another or to obtain from another money, property, or anything of value by means of false or fraudulent pretenses, representations, promises, or material omissions, and who communicates directly or indirectly with any person by any means for the purpose of executing or concealing the scheme or artifice.</p>	76-10-1801
<p>Contributing To The Delinquency Of A Minor - Any adult who commits any act or engages in any conduct which he knows or should know would have the effect of causing or encouraging a minor to commit an act which would be a misdemeanor or infraction criminal violation of any federal or state statute or any county or municipal ordinance if committed by an adult</p>	76-10-2301
<p>Criminal Mischief or Criminal Mischief Intentional Damage Of Property - A person commits criminal mischief if the person:</p> <p>(a) under circumstances not amounting to arson, damages or destroys property with the intention of defrauding an insurer;</p> <p>(b) intentionally and unlawfully tampers with the property of another and as a result:</p> <p>(i) recklessly endangers:</p> <p>(A) human life; or</p> <p>(B) human health or safety; or</p> <p>(ii) recklessly causes or threatens a substantial interruption or impairment of any critical infrastructure;</p> <p>(c) intentionally damages, defaces, or destroys the property of another; or</p> <p>(d) recklessly or willfully shoots or propels a missile or other object at or against a motor vehicle, bus, airplane, boat, locomotive, train, railway car, or caboose, whether moving or standing.</p>	76-16-106
<p>Criminal Trespass - A person is guilty of criminal trespass if...</p> <p>(a) the person enters or remains unlawfully on or causes an unmanned aircraft to enter and remain unlawfully over property and:</p> <p>(i) intends to cause annoyance or injury to any person or damage to any property, including the use of graffiti as defined in Section 76-6-107;</p> <p>(ii) intends to commit any crime, other than theft or a felony; or</p> <p>(iii) is reckless as to whether the person's or unmanned aircraft's presence will cause fear for the safety of another;</p>	76-6-206

<p>Custodial Interference - (a) A person who is entitled to custody of a child is guilty of custodial interference if, during a period of time when another person is entitled to visitation of the child, the person takes, entices, conceals, detains, or withholds the child from the person entitled to visitation of the child, with the intent to interfere with the visitation of the child.</p> <p>(b) A person who is entitled to visitation of a child is guilty of custodial interference if, during a period of time when the person is not entitled to visitation of the child, the person takes, entices, conceals, detains, or withholds the child from a person who is entitled to custody of the child, with the intent to interfere with the custody of the child.</p>	76-5-303
<p>Damage to or Interruption of a Communication Device - A person is guilty of damage to or interruption of a communication device if the actor attempts to prohibit or interrupt, or prohibits or interrupts, another person's use of a communication device when the other person is attempting to summon emergency aid or has communicated a desire to summon emergency aid, and in the process the actor:</p> <p>(a) uses force, intimidation, or any other form of violence;</p> <p>(b) destroys, disables, or damages a communication device; or</p> <p>(c) commits any other act in an attempt to prohibit or interrupt the person's use of a communication device to summon emergency aid.</p>	76-6-108
<p>Deal In Harmful Material To A Minor - A person is guilty of dealing in material harmful to minors when, knowing or believing that an individual is a minor, or having negligently failed to determine the proper age of a minor, the person intentionally:</p> <p>(a) distributes or offers to distribute, or exhibits or offers to exhibit, to a minor or an individual whom the person believes to be a minor, any material harmful to minors;</p> <p>(b) produces, performs, or directs any performance, before a minor or an individual whom the person believes to be a minor, that is harmful to minors; or</p> <p>(c) participates in any performance, before a minor or an individual whom the person believes to be a minor, that is harmful to minors.</p> <p>"Harmful to minors" means that quality of any description or representation, in whatsoever form, of nudity, sexual conduct, sexual excitement, or sadomasochistic abuse when it:</p> <p>(i) taken as a whole, appeals to the prurient interest in sex of minors;</p> <p>(ii) is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material for minors; and</p> <p>(iii) taken as a whole, does not have serious value for minors.</p> <p>(b) Serious value includes only serious literary, artistic, political or scientific value for minors.</p>	76-10-1201
<p>Disarming a Peace Officer - An actor is guilty of an offense under Subsection (3) who intentionally takes or removes, or attempts to take or remove a firearm or a conductive energy device from the person or immediate presence of a person the actor knows is a peace officer:</p> <p>(a) without the consent of the peace officer; and</p> <p>(b) while the peace officer is acting within the scope of his authority as a peace officer.</p>	76-5-102.8
<p>Discharging Firearms and Hurling Missles into Buses and Terminals - Any person who discharges a firearm or hurls a missile at or into any bus or terminals</p>	76-10-1505

<p>Disorderly Conduct - An individual is guilty of disorderly conduct if:</p> <p>(a) the individual refuses to comply with the lawful order of a law enforcement officer to move from a public place or an official meeting, or knowingly creates a hazardous or physically offensive condition, by any act that serves no legitimate purpose; or</p> <p>(b) intending to cause public inconvenience, annoyance, or alarm, or recklessly creating a risk of public inconvenience, annoyance, or alarm, the person:</p> <p>(i) engages in fighting or in violent, tumultuous, or threatening behavior;</p> <p>(ii) makes unreasonable noises in a public place or an official meeting;</p> <p>(iii) makes unreasonable noises in a private place which can be heard in a public place or an official meeting; or</p> <p>(iv) obstructs vehicular or pedestrian traffic in a public place or an official meeting.</p>	76-9-102
<p>Distribution of An Intimate Image - An actor commits the offense of distribution of an intimate image if:</p> <p>(i) the actor knowingly or intentionally distributes to a third party, or knowingly duplicates or copies an intimate image of an individual who is 18 years old or older and knows or should know that the distribution, duplication or copying would cause a reasonable person to suffer emotional distress or harm;</p> <p>(ii) the actor has not received consent from the individual depicted in the image to distribute the intimate image;</p> <p>(iii) the intimate image was created by or provided to the actor under circumstances in which the individual depicted in the image has a reasonable expectation of privacy; and</p> <p>(iv) except as provided in Subsection (2)(b), actual emotional distress or harm is caused to the individual depicted in the image as a result of the distribution.</p>	76-5b-203
<p>Distribution/Offer/Arrange Distribution Of Controlled Substance - Except as authorized by this chapter, it is unlawful for a person to knowingly and intentionally:</p> <p>(i) produce, manufacture, or dispense, or to possess with intent to produce, manufacture, or dispense, a controlled or counterfeit substance;</p> <p>(ii) distribute a controlled or counterfeit substance, or to agree, consent, offer, or arrange to distribute a controlled or counterfeit substance;</p> <p>(iii) possess a controlled or counterfeit substance with intent to distribute; or</p> <p>(iv) engage in a continuing criminal enterprise where:</p> <p>(A) the person participates, directs, or engages in conduct that results in a violation of Chapter 37, Utah Controlled Substances Act, Chapter 37a, Utah Drug Paraphernalia Act, Chapter 37b, Imitation Controlled Substances Act, Chapter 37c, Utah Controlled Substance Precursor Act, or Chapter 37d, Clandestine Drug Lab Act, that is a felony; and</p> <p>(B) the violation is a part of a continuing series of two or more violations of Chapter 37, Utah Controlled Substances Act, Chapter 37a, Utah Drug Paraphernalia Act, Chapter 37b, Imitation Controlled Substances Act, Chapter 37c, Utah Controlled Substance Precursor Act, or Chapter 37d, Clandestine Drug Lab Act, on separate occasions that are undertaken in concert with five or more persons with respect to whom the person occupies a position of organizer, supervisor, or any other position of management.</p>	58-37-8
<p>Domestic Violence - "Domestic violence" or "domestic violence offense" means any criminal offense involving violence or physical harm or threat of violence or physical harm, or any attempt, conspiracy, or solicitation to commit a criminal offense involving violence or physical harm, when committed by one cohabitant against another.</p>	77-36-1

<p>Domestic Violence In The Presence Of A Child - A person commits domestic violence in the presence of a child if the person:</p> <ul style="list-style-type: none"> (a) commits or attempts to commit criminal homicide, as defined in Section 76-5-201, against a cohabitant in the presence of a child; or (b) intentionally causes serious bodily injury to a cohabitant or uses a dangerous weapon, as defined in Section 76-1-601, or other means or force likely to produce death or serious bodily injury against a cohabitant, in the presence of a child; or (c) under circumstances not amounting to a violation of Subsection (2)(a) or (b), commits an act of domestic violence in the presence of a child. 	76-5-109.1
<p>Drive W/ Measurable Amounts - in cases not amounting to a violation of Section 41-6a-502, a person may not operate or be in actual physical control of a motor vehicle within this state if the person has any measurable controlled substance or metabolite of a controlled substance in the person's body</p>	41-6a-517
<p>DUI - A person may not operate or be in actual physical control of a vehicle within this state if the person:</p> <ul style="list-style-type: none"> (a) has sufficient alcohol in the person's body that a subsequent chemical test shows that the person has a blood or breath alcohol concentration of .05 grams or greater at the time of the test; (b) is under the influence of alcohol, any drug, or the combined influence of alcohol and any drug to a degree that renders the person incapable of safely operating a vehicle; or (c) has a blood or breath alcohol concentration of .05 grams or greater at the time of operation or actual physical control. 	41-6a-502
<p>Electronic Communication Harassment - a person is guilty of electronic communication harassment and subject to prosecution in the jurisdiction where the communication originated or was received if with intent to intimidate, abuse, threaten, harass, frighten, or disrupt the electronic communications of another, the person:</p> <ul style="list-style-type: none"> (a) <ul style="list-style-type: none"> (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 person not to contact the recipient, and the person repeatedly or continuously: <ul style="list-style-type: none"> (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. 	76-9-201
<p>Endangerment of a Child or Vulnerable Adult - an individual is guilty of a felony of the third degree if the individual knowingly or intentionally causes or permits a child or a vulnerable adult to be exposed to, inhale, ingest, or have contact with a controlled substance, chemical substance, or drug paraphernalia;</p>	76-5-112.5

<p>Enticing A Minor Over The Internet - As used in this section "Minor" means a person who is under the age of 18. A person commits enticement of a minor when the person knowingly uses the Internet or text messaging to solicit, seduce, lure, or entice a minor, or to attempt to solicit, seduce, lure, or entice a minor, or another person that the actor believes to be a minor, to engage in any sexual activity which is a violation of state criminal law.</p> <p>(b) A person commits enticement of a minor when the person knowingly uses the Internet or text messaging to:</p> <ul style="list-style-type: none"> (i) initiate contact with a minor or a person the actor believes to be a minor; and (ii) subsequently to the action under Subsection (2)(b)(i), by any electronic or written means, solicits, seduces, lures, or entices, or attempts to solicit, seduce, lure, or entice the minor or a person the actor believes to be the minor to engage in any sexual activity which is a violation of state criminal law. 	76-4-401
<p>Exploitation of Prostitution - Aggravated - A person is guilty of aggravated exploitation if:</p> <ul style="list-style-type: none"> (a) in committing an act of exploiting prostitution, as defined in Section 76-10-1305, the person uses any force, threat, or fear against any person; (b) the person procured, transported, or persuaded or with whom the person shares the proceeds of prostitution is a child or is the spouse of the actor; or (c) in the course of committing exploitation of prostitution, a violation of Section 76-10-1305, the person commits human trafficking or human smuggling 	76-10-1306
<p>Extortion or Bribery to Dismiss Criminal Proceeding - A person is guilty of a felony of the second degree if by the use of force or by any threat which would constitute a means of committing the crime of theft by extortion under this code, if the threat were employed to obtain property, or by promise of any reward or pecuniary benefits, he attempts to induce an alleged victim of a crime to secure the dismissal of or to prevent the filing of a criminal complaint, indictment, or information.</p> <p>(2) "Victim," as used in this section, includes a child or other person under the care or custody of a parent or guardian.</p>	76-8-509
<p>Failure To Stop At Command Of Law Enforcement - A person is guilty of a class A misdemeanor who flees from or otherwise attempts to elude a peace officer:</p> <ul style="list-style-type: none"> (1) after the officer has issued a verbal or visual command to stop; (2) for the purpose of avoiding arrest; and (3) by any means other than a violation of Section 41-6a-210 regarding failure to stop a vehicle at the command of a law enforcement officer. 	76-8-305.5
<p>False Personal Info To Peace Officer - (1) A person commits a class C misdemeanor if, with intent of misleading a peace officer as to the person's identity, birth date, or place of residence, the person knowingly gives a false name, birth date, or address to a peace officer in the lawful discharge of the peace officer's official duties.</p> <p>(2) A person commits a class A misdemeanor if, with the intent of leading a peace officer to believe that the person is another actual person, he gives the name, birth date, or address of another person to a peace officer acting in the lawful discharge of the peace officer's official duties.</p>	76-8-507

<p>Forgery - A person is guilty of forgery if, with purpose to defraud anyone, or with knowledge that the person is facilitating a fraud to be perpetrated by anyone, the person:</p> <ul style="list-style-type: none"> (a) alters any writing of another without his authority or utters the altered writing; or (b) makes, completes, executes, authenticates, issues, transfers, publishes, or utters any writing so that the writing or the making, completion, execution, authentication, issuance, transference, publication, or utterance: <ul style="list-style-type: none"> (i) purports to be the act of another, whether the person is existent or nonexistent; (ii) purports to be an act on behalf of another party with the authority of that other party; or (iii) purports to have been executed at a time or place or in a numbered sequence other than was in fact the case, or to be a copy of an original when an original did not exist 	76-6-501
<p>Criminal Homicide:</p> <p><i>Aggravated Murder</i> - Criminal homicide constitutes aggravated murder if the actor intentionally or knowingly causes the death of another under any of the following circumstances:</p> <ul style="list-style-type: none"> (a) the homicide was committed by a person who is confined in a jail or other correctional institution; (b) the homicide was committed incident to one act, scheme, course of conduct, or criminal episode during which two or more persons were killed, or during which the actor attempted to kill one or more persons in addition to the victim who was killed; (c) the actor knowingly created a great risk of death to a person other than the victim and the actor; (d) the homicide was committed incident to an act, scheme, course of conduct, or criminal episode during which the actor committed or attempted to commit aggravated robbery, robbery, rape, rape of a child, object rape, object rape of a child, forcible sodomy, sodomy upon a child, forcible sexual abuse, sexual abuse of a child, aggravated sexual abuse of a child, child abuse as defined in Subsection 76-5-109(2)(a), or aggravated sexual assault, aggravated arson, arson, aggravated burglary, burglary, aggravated kidnapping, or kidnapping, or child kidnapping; (e) the homicide was committed incident to one act, scheme, course of conduct, or criminal episode during which the actor committed the crime of abuse or desecration of a dead human body as defined in Subsection 76-9-704(2)(e); (f) the homicide was committed for the purpose of avoiding or preventing an arrest of the defendant or another by a peace officer acting under color of legal authority or for the purpose of effecting the defendant's or another's escape from lawful custody; (g) the homicide was committed for pecuniary gain; (h) the defendant committed, or engaged or employed another person to commit the homicide pursuant to an agreement or contract for remuneration or the promise of remuneration for commission of the homicide; 	76-5-202
<p><i>Automobile Homicide</i> - Criminal homicide is automobile homicide, a third degree felony, if the person operates a motor vehicle in a negligent manner causing the death of another and:</p> <ul style="list-style-type: none"> (i) has sufficient alcohol in his body that a subsequent chemical test shows that the person has a blood or breath alcohol concentration of .05 grams or greater at the time of the test; (ii) is under the influence of alcohol, any drug, or the combined influence of alcohol and any drug to a degree that renders the person incapable of safely operating a vehicle; or (iii) has a blood or breath alcohol concentration of .05 grams or greater at the time of operation. 	76-5-207

<p><i>Child Abuse Homicide</i> - Criminal homicide constitutes child abuse homicide if, under circumstances not amounting to aggravated murder, as described in Section 76-5-202, the actor causes the death of a person under 18 years of age and the death results from child abuse, as defined in Subsection 76-5-109(1):</p> <ul style="list-style-type: none"> (a) if the child abuse is done recklessly under Subsection 76-5-109(2)(b); (b) if the child abuse is done with criminal negligence under Subsection 76-5-109(2)(c); or (c) if, under circumstances not amounting to the type of child abuse homicide described in Subsection (1)(a), the child abuse is done intentionally, knowingly, or recklessly, or with criminal negligence, under Subsection 76-5-109(2)(a), (b), or (c) 	76-5-208
<p><i>Homicide by Assault</i> - A person commits homicide by assault if, under circumstances not amounting to aggravated murder, murder, or manslaughter, a person causes the death of another while intentionally or knowingly attempting, with unlawful force or violence, to do bodily injury to another.</p>	76-5-209
<p><i>Manslaughter</i> - criminal homicide constitutes manslaughter if the actor:</p> <ul style="list-style-type: none"> (a) recklessly causes the death of another; (b) intentionally, and with knowledge that another individual intends to commit suicide or attempt to commit suicide, aids the other individual to commit suicide; (c) commits a homicide which would be murder, but the offense is reduced pursuant to Subsection 76-5-203(4); or (d) commits murder, but special mitigation is established under Section 76-5-205.5 	76-5-205
<p><i>Murder</i> - Criminal homicide constitutes murder if:</p> <ul style="list-style-type: none"> (a) the actor intentionally or knowingly causes the death of another; (b) intending to cause serious bodily injury to another, the actor commits an act clearly dangerous to human life that causes the death of another; (c) acting under circumstances evidencing a depraved indifference to human life, the actor knowingly engages in conduct which creates a grave risk of death to another and thereby causes the death of another 	76-5-203
<p><i>Negligent Homicide</i> - Criminal homicide constitutes negligent homicide if the actor, acting with criminal negligence, causes the death of another.</p>	76-5-206
<p>Human Trafficking/Smuggling - An actor commits human trafficking for labor or sexual exploitation if the actor recruits, harbors, transports, obtains, patronizes, or solicits a person through the use of force, fraud, or coercion, which may include:</p> <ul style="list-style-type: none"> (a) threatening serious harm to, or physical restraint against, that person or a third person; (b) destroying, concealing, removing, confiscating, or possessing any passport, immigration document, or other government-issued identification document; (c) abusing or threatening abuse of the law or legal process against the person or a third person; (d) using a condition of a person being a debtor due to a pledge of the debtor's personal services or the personal services of a person under the control of the debtor as a security for debt where the reasonable value of the services is not applied toward the liquidation of the debt or the length and nature of those services are not respectively limited and defined; (e) using a condition of servitude by means of any scheme, plan, or pattern intended to cause a person to believe that if the person did not enter into or continue in a condition of servitude, that person or a third person would suffer serious harm or physical restraint, or would be threatened with abuse of legal process; or (f) creating or exploiting a relationship where the person is dependent on the actor. 	76-5-308

<p>Impaired Driving - With the agreement of the prosecutor, a plea to a class B misdemeanor violation of Section 41-6a-502 committed on or after July 1, 2008, may be entered as a conviction of impaired driving under this section if:</p> <ul style="list-style-type: none"> (a) the defendant completes court ordered probation requirements; or (b) <ul style="list-style-type: none"> (i) the prosecutor agrees as part of a negotiated plea; and (ii) the court finds the plea to be in the interest of justice. 	41-6a-502.5
<p>Impersonating an Officer -</p> <p>peace officer with intent to deceive another or with intent to induce another to submit to his pretended official authority or to rely upon his pretended official act;</p> <p>(2) falsely states he is a public servant or a peace officer with intent to deceive another or to induce another to submit to his pretended official authority or to rely upon his pretended official act; or</p> <p>(3) displays or possesses without authority any badge, identification card, other form of identification, any restraint device, or the uniform of any state or local governmental entity, or a reasonable facsimile of any of these items, with the intent to deceive another or with the intent to induce another to submit to his pretended official authority or to rely upon his pretended official act.</p>	76-8-512
<p>Interference with Public Servant - An individual is guilty of interference with a public servant if the individual:</p> <ul style="list-style-type: none"> (a) uses force, violence, intimidation, or engages in any other unlawful act with a purpose to interfere with a public servant performing or purporting to perform an official function; (b) obstructs, hinders, conceals, or prevents the lawful service of any legal process, civil or criminal, by any sheriff, constable, deputy sheriff, deputy constable, peace officer, private investigator, or any other person authorized to serve legal process; or (c) on property that is owned, operated, or controlled by the state or a political subdivision of the state, willfully denies to a public servant lawful: <ul style="list-style-type: none"> (i) freedom of movement; (ii) use of the property or facilities; or (iii) entry into or exit from the facilities. 	76-8-301
<p>Intoxication/Public Intoxication - A person is guilty of intoxication if the person is under the influence of alcohol, a controlled substance, or any substance having the property of releasing toxic vapors, to a degree that the person may endanger the person or another, in a public place or in a private place where the person unreasonably disturbs other persons.</p>	76-9-701
<p>Items Prohibited Correctional/Mental Health Facilities - a correctional or mental health facility may provide by rule that no firearm, ammunition, dangerous weapon, implement of escape, explosive, controlled substance, spirituous or fermented liquor, medicine, or poison in any quantity may be:</p> <ul style="list-style-type: none"> (a) transported to or upon a correctional or mental health facility; (b) sold or given away at any correctional or mental health facility; (c) given to or used by any offender at a correctional or mental health facility; or (d) knowingly or intentionally possessed at a correctional or mental health facility. 	76-8-311.3

<p>"Joyriding" Unauthorized Control for Extended Time - it is a class A misdemeanor for a person to exercise unauthorized control over a motor vehicle that is not his own, without the consent of the owner or lawful custodian, and with the intent to temporarily deprive the owner or lawful custodian of possession of the motor vehicle.</p> <p>(2) The consent of the owner or legal custodian of a motor vehicle to its control by the actor is not in any case presumed or implied because of the owner's or legal custodian's consent on a previous occasion to the control of the motor vehicle by the same or a different person.</p>	41-1a-1314
<p>Kidnapping/Child Kidnapping - An actor commits kidnapping if the actor intentionally or knowingly, without authority of law, and against the will of the victim:</p> <p>(a) detains or restrains the victim for any substantial period of time;</p> <p>(b) detains or restrains the victim in circumstances exposing the victim to risk of bodily injury;</p> <p>(c) holds the victim in involuntary servitude;</p> <p>(d) detains or restrains a minor without the consent of the minor's parent or legal guardian or the consent of a person acting in loco parentis, if the minor is 14 years of age or older but younger than 18 years of age; or</p> <p>(e) moves the victim any substantial distance or across a state line.</p> <p>An actor commits child kidnapping if the actor intentionally or knowingly, without authority of law, and by any means and in any manner, seizes, confines, detains, or transports a child under the age of 14 without the consent of the victim's parent or guardian, or the consent of a person acting in loco parentis.</p> <p>Aggravated Kidnapping An actor commits aggravated kidnapping if the actor, in the course of committing unlawful detention or kidnapping:</p> <p>(a) uses or threatens to use a dangerous weapon as defined in Section 76-1-601; or</p> <p>(b) acts with intent:</p> <p>(i) to hold the victim for ransom or reward, or as a shield or hostage, or to compel a third person to engage in particular conduct or to forbear from engaging in particular conduct;</p> <p>(ii) to facilitate the commission, attempted commission, or flight after commission or attempted commission of a felony;</p> <p>(iii) to hinder or delay the discovery of or reporting of a felony;</p> <p>(iv) to inflict bodily injury on or to terrorize the victim or another individual;</p> <p>(v) to interfere with the performance of any governmental or political function; or</p> <p>(vi) to commit a sexual offense as described in Title 76, Chapter 5, Part 4, Sexual Offenses.</p>	76-5-301 and 301.1
<p>Lewdness - A person is guilty of lewdness if the person under circumstances not amounting to rape, object rape, forcible sodomy, forcible sexual abuse, aggravated sexual assault, sexual abuse of a minor, unlawful sexual conduct with a 16- or 17-year-old, custodial sexual relations or misconduct under Section 76-5-412 or 76-5-413, or an attempt to commit any of these offenses, performs any of the following acts in a public place or under circumstances which the person should know will likely cause affront or alarm to, on, or in the presence of another who is 14 years of age or older:</p> <p>(a) an act of sexual intercourse or sodomy;</p> <p>(b) exposes his or her genitals, the female breast below the top of the areola, the buttocks, the anus, or the pubic area;</p> <p>(c) masturbates; or</p> <p>(d) any other act of lewdness.</p>	76-9-702

Mayhem - Every person who unlawfully and intentionally deprives a human being of a member of his body, or disables or renders it useless, or who cuts out or disables the tongue, puts out an eye, or slits the nose, ear, or lip, is guilty of mayhem.	76-5-105
Obstruction of Justice - An actor commits obstruction of justice if the actor, with intent to hinder, delay, or prevent the investigation, apprehension, prosecution, conviction, or punishment of any person regarding conduct that constitutes a criminal offense:	76-8-306
Open Container/ Drinking Alcohol In A Vehicle - A person may not drink an alcoholic beverage while operating a golf cart, a motor vehicle, a motor assisted scooter, or a class 2 electric assisted bicycle, or while a passenger in a motor vehicle, whether the vehicle is moving, stopped, or parked on any highway or waters of the state. A person may not keep, carry, possess, transport, or allow another to keep, carry, possess, or transport in the passenger compartment of a motor vehicle, on a golf cart, on a motor assisted scooter, or on a class 2 electric assisted bicycle, when the vehicle is on any highway or waters of the state, any container that contains an alcoholic beverage if the container has been opened, its seal broken, or the contents of the container partially consumed.	41-6a-526
Patronizing a Prostitute - An individual is guilty of patronizing a prostitute when the individual: (a) pays or offers or agrees to pay a prostitute, or an individual the actor believes to be a prostitute, a fee, or the functional equivalent of a fee, for the purpose of engaging in an act of sexual activity; or (b) enters or remains in a place of prostitution for the purpose of engaging in sexual activity	76-10-1303
Possess Forgery Writing/Device - Possession of forged writing or device for writing -- Penalty. (1) As used in this section, "device" means any equipment, mechanism, material, or program. (2) An individual who, with intent to defraud, knowingly possesses a writing, as defined in Section 76-6-501, that is a forgery under Section 76-6-501, or who with intent to defraud knowingly possesses a device for making a writing, as defined in Section 76-6-501, that is a forgery under Section 76-6-501, is guilty of a third degree felony.	76-5-502
Possession Of Marijuana - Illegal possession of marijuana	58-37-8
Possession With Intent To Distribute - Except as authorized by this chapter, it is unlawful for a person to knowingly and intentionally: (i) produce, manufacture, or dispense, or to possess with intent to produce, manufacture, or dispense, a controlled or counterfeit substance; (ii) distribute a controlled or counterfeit substance, or to agree, consent, offer, or arrange to distribute a controlled or counterfeit substance; (iii) possess a controlled or counterfeit substance with intent to distribute	58-37-8

<p>Possession/Use Of Controlled Substance - (a) It is unlawful:</p> <ul style="list-style-type: none"> (i) for a person knowingly and intentionally to possess or use a controlled substance analog or a controlled substance, unless it was obtained under a valid prescription or order, directly from a practitioner while acting in the course of the person's professional practice, or as otherwise authorized by this chapter; (ii) for an owner, tenant, licensee, or person in control of a building, room, tenement, vehicle, boat, aircraft, or other place knowingly and intentionally to permit them to be occupied by persons unlawfully possessing, using, or distributing controlled substances in any of those locations; or (iii) for a person knowingly and intentionally to possess an altered or forged prescription or written order for a controlled substance 	58-37-8
<p>Production/Transfer False ID - A person is guilty of producing or transferring any false identification document who:</p> <ul style="list-style-type: none"> (a) knowingly and without lawful authority produces, attempts, or conspires to produce an identification document, authentication feature, or a false identification document that is or appears to be issued by or under the authority of an issuing authority; (b) transfers, or possesses with intent to transfer, an identification document, authentication feature, or a false identification document knowing that the document or feature was stolen or produced without lawful authority; (c) produces, transfers, or possesses a document-making implement or authentication feature with the intent that the document-making implement or the authentication feature be used in the production of a false identification document or another document-making implement or authentication feature; or (d) traffics in false or actual authentication features for use in false identification documents, document-making implements, or means of identification 	76-6-501
<p>Protective Order, Violations - Any person who is the respondent or defendant subject to a protective order, child protective order, ex parte protective order, or ex parte child protective order issued under the following who intentionally or knowingly violates that order after having been properly served or having been present, in person or through court video conferencing, when the order was issued</p>	76-5-108
<p>Purchase/Possession/Consumption Of Alcohol By A Minor - Unless specifically authorized by this title, it is unlawful for a minor to:</p> <ul style="list-style-type: none"> (a) purchase an alcoholic product; (b) attempt to purchase an alcoholic product; (c) solicit another person to purchase an alcoholic product; (d) possess an alcoholic product; (e) consume an alcoholic product; or (f) have measurable blood, breath, or urine alcohol concentration in the minor's body 	32B-4-409 and local ordinances

<p>Purchase/Possession/Transfer Use Of A Firearm By A Restricted Person - (a) A Category I restricted person is a person who:</p> <ul style="list-style-type: none"> (i) has been convicted of any violent felony as defined in Section 76-3-203.5; (ii) is on probation or parole for any felony; (iii) is on parole from secure care, as defined in Section 80-1-102; (iv) within the last 10 years has been adjudicated under Section 80-6-701 for an offense which if committed by an adult would have been a violent felony as defined in Section 76-3-203.5; (v) is an alien who is illegally or unlawfully in the United States; or (vi) is on probation for a conviction of possessing: <ul style="list-style-type: none"> (A) a substance classified in Section 58-37-4 as a Schedule I or II controlled substance; (B) a controlled substance analog; or (C) a substance listed in Section 58-37-4.2. (b) A Category II restricted person is a person who: <ul style="list-style-type: none"> (i) has been convicted of any felony; (ii) within the last seven years has been adjudicated delinquent for an offense which if committed by an adult would have been a felony; (iii) is an unlawful user of a controlled substance as defined in Section 58-37-2; (iv) is in possession of a dangerous weapon and is knowingly and intentionally in unlawful possession of a Schedule I or II controlled substance as defined in Section 58-37-2; (v) has been found not guilty by reason of insanity for a felony offense; (vi) has been found mentally incompetent to stand trial for a felony offense; (vii) has been adjudicated as mentally defective as provided in the Brady Handgun Violence Prevention Act, Pub. L. No. 103-159, 107 Stat. 1536 (1993), or has been committed to a mental institution; (viii) has been dishonorably discharged from the armed forces; (ix) has renounced the individual's citizenship after having been a citizen of the United States; (x) is a respondent or defendant subject to a protective order or child protective order that is issued after a hearing for which the respondent or defendant received actual notice and at which the respondent or defendant has an opportunity to participate, that restrains the respondent or defendant from harassing, stalking, threatening, or engaging in other conduct that would place an intimate partner, as defined in 18 U.S.C. Sec. 921, or a child of the intimate partner, in reasonable fear of bodily injury to 	76-10-503
<p>Rape - A person commits rape when the actor has sexual intercourse with another person without the victim's consent.</p>	76-5-402
<p>Rape of a Child - A person commits rape of a child when the person has sexual intercourse with a child who is under the age of 14.</p>	76-5-402.1
<p>Object Rape - A person who, without the victim's consent, causes the penetration, however slight, of the genital or anal opening of another person who is 14 years of age or older, by any foreign object, substance, instrument, or device, including a part of the human body other than the mouth or genitals, with intent to cause substantial emotional or bodily pain to the victim or with the intent to arouse or gratify the sexual desire of any person,</p>	76-5-402.2

<p>Reckless Driving/ Alcohol Related Reckless Driving - A person is guilty of reckless driving who operates a vehicle:</p> <p>(a) in willful or wanton disregard for the safety of persons or property; or</p> <p>(b) while committing three or more moving traffic violations under Title 41, Chapter 6a, Traffic Code, in a series of acts occurring within a single continuous period of driving covering three miles or less in total distance.</p>	<p>41-6a-528 and 41-6a-512</p>
<p>Retail Theft - A person commits the offense of retail theft when he knowingly:</p> <p>(1) Takes possession of, conceals, carries away, transfers or causes to be carried away or transferred, any merchandise displayed, held, stored or offered for sale in a retail mercantile establishment with the intention of retaining such merchandise or with the intention of depriving the merchant permanently of the possession, use or benefit of such merchandise without paying the retail value of such merchandise; or</p> <p>(2) Alters, transfers, or removes any label, price tag, marking, indicia of value or any other markings which aid in determining value of any merchandise displayed, held, stored or offered for sale, in a retail mercantile establishment and attempts to purchase such merchandise personally or in consort with another at less than the retail value with the intention of depriving the merchant of the retail value of such merchandise; or</p> <p>(3) Transfers any merchandise displayed, held, stored or offered for sale in a retail mercantile establishment from the container in or on which such merchandise is displayed to any other container with the intention of depriving the merchant of the retail value of such merchandise; or</p> <p>(4) Under-rings with the intention of depriving the merchant of the retail value of the merchandise; or</p> <p>(5) Removes a shopping cart from the premises of a retail mercantile establishment with the intent of depriving the merchant of the possession, use or benefit of such cart.</p>	<p>76-6-601</p>
<p>Retaliation Against a Witness, Victim, or Informant - retaliation against a witness, victim, or informant if, believing that an official proceeding or investigation is pending, is about to be instituted, or has been concluded, he:</p> <p>(a) makes a threat of harm; or</p> <p>(ii) causes harm; and</p> <p>(b) directs the threat or action:</p> <p>(i) against a witness or an informant regarding any official proceeding, a victim of any crime, or any person closely associated with a witness, victim, or informant; and</p> <p>(ii) as retaliation or retribution against the witness, victim, or informant</p>	<p>76-8-508.3</p>
<p>Robbery - A person commits robbery if:</p> <p>(a) the person unlawfully and intentionally takes or attempts to take personal property in the possession of another from his person, or immediate presence, against his will, by means of force or fear, and with a purpose or intent to deprive the person permanently or temporarily of the personal property; or</p> <p>(b) the person intentionally or knowingly uses force or fear of immediate force against another in the course of committing a theft or wrongful appropriation.</p>	<p>76-6-301</p>
<p>Securities Fraud - It is unlawful for any person, in connection with the offer, sale, or purchase of any security, directly or indirectly to:</p> <p>(1) employ any device, scheme, or artifice to defraud;</p> <p>(2) make any untrue statement of a material fact or to omit to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading; or</p> <p>(3) engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person.</p>	<p>61-1-1</p>

<p>Sexual Abuse of a Child - An individual commits sexual abuse of a child if, under circumstances not amounting to rape of a child, object rape of a child, sodomy on a child, or an attempt to commit any of these offenses, the actor touches the anus, buttocks, pubic area, or genitalia of any child, the breast of a female child, or otherwise takes indecent liberties with a child, with intent to cause substantial emotional or bodily pain to any individual or with the intent to arouse or gratify the sexual desire of any individual regardless of the sex of any participant.</p>	<p>76-5-404.1</p>
<p>Sexual Abuse of a Minor (14-16 years old) - An individual commits sexual abuse of a minor if the individual is four years or more older than the minor and, under circumstances not amounting to rape, in violation of Section 76-5-402, object rape, in violation of Section 76-5-402.2, forcible sodomy, in violation of Section 76-5-403, aggravated sexual assault, in violation of Section 76-5-405, unlawful sexual activity with a minor, in violation of Section 76-5-401, or an attempt to commit any of those offenses, the individual touches the anus, buttocks, pubic area, or any part of the genitals of the minor, or touches the breast of a female minor, or otherwise takes indecent liberties with the minor, with the intent to cause substantial emotional or bodily pain to any individual or with the intent to arouse or gratify the sexual desire of any individual regardless of the sex of any participant.</p>	<p>76-5-401.1</p>
<p>Forcible Sex Abuse - An individual commits forcible sexual abuse if the victim is 14 years of age or older and, under circumstances not amounting to rape, object rape, forcible sodomy, or attempted rape or forcible sodomy, the actor touches the anus, buttocks, pubic area, or any part of the genitals of another, or touches the breast of a female, or otherwise takes indecent liberties with another, with intent to cause substantial emotional or bodily pain to any individual or with the intent to arouse or gratify the sexual desire of any individual, without the consent of the other, regardless of the sex of any participant.</p>	<p>76-5-404</p>
<p>Aggravated Sexual Assault - A person commits aggravated sexual assault if:</p> <p>(a) in the course of a rape, object rape, forcible sodomy, or forcible sexual abuse, the actor:</p> <p>(i) uses, or threatens the victim with the use of, a dangerous weapon as defined in Section 76-1-601;</p> <p>(ii) compels, or attempts to compel, the victim to submit to rape, object rape, forcible sodomy, or forcible sexual abuse, by threat of kidnaping, death, or serious bodily injury to be inflicted imminently on any person; or</p> <p>(iii) is aided or abetted by one or more persons;</p>	<p>76-5-405</p>
<p>Sexual Battery - A person is guilty of sexual battery if the person, under circumstances not amounting to an offense under Subsection (2), intentionally touches, whether or not through clothing, the anus, buttocks, or any part of the genitals of another person, or the breast of a female person, and the actor's conduct is under circumstances the actor knows or should know will likely cause affront or alarm to the person touched.</p>	<p>76-9-702.1</p>

<p>Sexual Exploitation Of A Minor - A person is guilty of sexual exploitation of a minor:</p> <p>(a) when the person:</p> <ul style="list-style-type: none"> (i) knowingly produces, possesses, or possesses with intent to distribute child pornography; or (ii) intentionally distributes or views child pornography; or <p>(b) if the person is a minor's parent or legal guardian and knowingly consents to or permits the minor to be sexually exploited as described in Subsection (1)(a).</p> <p style="text-align: right;">"Child pornography" means any visual depiction, including any live performance, photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where:</p> <ul style="list-style-type: none"> (a) the production of the visual depiction involves the use of a minor engaging in sexually explicit conduct; (b) the visual depiction is of a minor engaging in sexually explicit conduct; or (c) the visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in sexually explicit conduct. 	76-5B-103 and 201
<p>Sexual Exploitation of a Vulnerable Adult - A person is guilty of sexual exploitation of a vulnerable adult if the person:</p> <p>(a) knowingly produces, possesses, or possesses with intent to distribute material that the person knows is vulnerable adult pornography; or</p> <p>(B) intentionally distributes or views material that the person knows is vulnerable adult pornography; and</p> <p>(ii) the vulnerable adult who appears in, or is depicted in, the vulnerable adult pornography lacks capacity to consent to the conduct described in Subsection (1)(a); or</p> <p>(b) is a vulnerable adult's legal guardian and knowingly consents to, or permits the vulnerable adult to be, sexually exploited as described in Subsection (1)(a)</p>	76-5b-202
<p>Forcible Sodomy - As used in this section, "sodomy" means engaging in any sexual act with an individual who is 14 years of age or older involving the genitals of one individual and the mouth or anus of another individual, regardless of the sex of either participant.</p> <p>An individual commits forcible sodomy when the actor commits sodomy upon another without the other's consent.</p>	76-5-403
<p>Sodomy on a Child - A person commits sodomy upon a child if the actor engages in any sexual act upon or with a child who is under the age of 14, involving the genitals or anus of the actor or the child and the mouth or anus of either person, regardless of the sex of either participant.</p>	76-5-403.1
<p>Stalking - A person is guilty of stalking who intentionally or knowingly engages in a course of conduct directed at a specific person and knows or should know that the course of conduct would cause a reasonable person:</p> <ul style="list-style-type: none"> (a) to fear for the person's own safety or the safety of a third person; or (b) to suffer other emotional distress. 	76-5-106.5

<p>Tampering with Evidence - A person is guilty of tampering with evidence if, believing that an official proceeding or investigation is pending or about to be instituted, or with the intent to prevent an official proceeding or investigation or to prevent the production of any thing or item which reasonably would be anticipated to be evidence in the official proceeding or investigation, the person knowingly or intentionally:</p> <ul style="list-style-type: none"> (a) alters, destroys, conceals, or removes any thing or item with the purpose of impairing the veracity or availability of the thing or item in the proceeding or investigation; or (b) makes, presents, or uses any thing or item which the person knows to be false with the purpose of deceiving a public servant or any other party who is or may be engaged in the proceeding or investigation. 	76-8-510.5
<p>Tampering with or Retaliation Against a Juror - A person is guilty of tampering with a juror if he attempts to or actually influences a juror in the discharge of the juror's service by:</p> <ul style="list-style-type: none"> (a) communicating with the juror by any means, directly or indirectly, except for attorneys in lawful discharge of their duties in open court; (b) offering, conferring, or agreeing to confer any benefit upon the juror; or (c) communicating to the juror a threat that a reasonable person would believe to be a threat to injure: <ul style="list-style-type: none"> (i) the juror's person or property; or (ii) the person or property of any other person in whose welfare the juror is interested. <p>(3) A person is guilty of tampering with a juror if he commits any unlawful act in retaliation for anything done by the juror in the discharge of the juror's service:</p> <ul style="list-style-type: none"> (a) to the juror's person or property; or (b) to the person or property of any other person in whose welfare the juror is interested. 	76-8-508-5
<p>Tampering with Witness - (1) A person is guilty of the third degree felony of tampering with a witness if, believing that an official proceeding or investigation is pending or about to be instituted, or with the intent to prevent an official proceeding or investigation, he attempts to induce or otherwise cause another person to:</p> <ul style="list-style-type: none"> (a) testify or inform falsely; (b) withhold any testimony, information, document, or item; (c) elude legal process summoning him to provide evidence; or (d) absent himself from any proceeding or investigation to which he has been summoned. <p>(2) A person is guilty of the third degree felony of soliciting or receiving a bribe as a witness if he solicits, accepts or agrees to accept any benefit in consideration of his doing any of the acts specified under Subsection (1)</p>	76-8-508
<p>Theft or Theft Of Services - A person commits theft if he obtains or exercises unauthorized control over the property of another with a purpose to deprive him thereof.</p>	76-6-401

<p>Threat of Terrorism - A person commits a threat of terrorism if the person threatens to commit any offense involving bodily injury, death, or substantial property damage, and: (a)</p> <p>(i) threatens the use of a weapon of mass destruction, as defined in Section 76-10-401; or</p> <p>(ii) threatens the use of a hoax weapon of mass destruction, as defined in Section 76-10-401; or</p> <p>(b) acts with intent to:</p> <p>(i) intimidate or coerce a civilian population or to influence or affect the conduct of a government or a unit of government;</p> <p>(ii) prevent or interrupt the occupation of a building or a portion of the building, a place to which the public has access, or a facility or vehicle of public transportation operated by a common carrier; or</p> <p>(iii) cause an official or volunteer agency organized to deal with emergencies to take action due to the person's conduct posing a serious and substantial risk to the general public.</p>	76-5-107.3
<p>Unlawful Acquisition/Possession/Use Of Financial Card - knowingly use a false, fictitious, altered, counterfeit, revoked, expired, stolen, or fraudulently obtained financial transaction card to obtain or attempt to obtain credit, goods, property, or services;</p>	76-6-506
<p>Unlawful Detention - An actor commits unlawful detention if the actor intentionally or knowingly, without authority of law, and against the will of the victim, detains or restrains the victim under circumstances not constituting a violation of:</p> <p>(a) kidnapping, Section 76-5-301; or</p> <p>(b) child kidnapping, Section 76-5-301.1.</p>	76-5-304
<p>Unlawful Discharge of a Firearm - the actor discharges a firearm in the direction of one or more individuals, knowing or having reason to believe that any individual may be endangered by the discharge of the firearm;</p> <p>(b) the actor, with intent to intimidate or harass another or with intent to damage a habitable structure as defined in Section 76-6-101, discharges a firearm in the direction of any individual or habitable structure; or</p> <p>(c) the actor, with intent to intimidate or harass another, discharges a firearm in the direction of any vehicle.</p>	76-10-508.1
<p>Unlawful Sexual Activity with a Minor - For purposes of this section "minor" is a person who is 14 years of age or older, but younger than 16 years of age, at the time the sexual activity described in this section occurred.</p> <p>(2) A person 18 years old or older commits unlawful sexual activity with a minor if, under circumstances not amounting to rape, in violation of Section 76-5-402, object rape, in violation of Section 76-5-402.2, forcible sodomy, in violation of Section 76-5-403, or aggravated sexual assault, in violation of Section 76-5-405, the actor:</p> <p>(a) has sexual intercourse with the minor;</p> <p>(b) engages in any sexual act with the minor involving the genitals of one person and the mouth or anus of another person, regardless of the sex of either participant; or</p> <p>(c) causes the penetration, however slight, of the genital or anal opening of the minor by any foreign object, substance, instrument, or device, including a part of the human body, with the intent to cause substantial emotional or bodily pain to any person or with the intent to arouse or gratify the sexual desire of any person, regardless of the sex of any participant.</p>	76-5-401

<p>Unlawful Sexual Conduct with a 16-17 year old - As used in this section, "minor" means an individual who is 16 years of age or older, but younger than 18 years of age, at the time the sexual conduct described in Subsection (2) occurred.</p> <p>(2)(a) An individual commits unlawful sexual conduct with a minor if, under circumstances not amounting to an offense listed under Subsection (3), an individual who is:</p> <ul style="list-style-type: none"> (i) seven or more years older but less than 10 years older than the minor at the time of the sexual conduct engages in any conduct listed in Subsection (2)(b), and the individual knew or reasonably should have known the age of the minor; or (ii) 10 or more years older than the minor at the time of the sexual conduct and engages in any conduct listed in Subsection (2)(b). <p>(b) As used in Subsection (2)(a), "sexual conduct" refers to when the individual:</p> <ul style="list-style-type: none"> (i) has sexual intercourse with the minor; (ii) engages in any sexual act with the minor involving the genitals of one individual and the mouth or anus of another individual, regardless of the sex of either participant; (iii) causes the penetration, however slight, of the genital or anal opening of the minor by any foreign object, substance, instrument, or device, including a part of the human body, with the intent to cause substantial emotional or bodily pain to any individual or with the intent to arouse or gratify the sexual desire of any individual, regardless of the sex of any participant; or (iv) touches the anus, buttocks, pubic area, or any part of the genitals of the minor, or touches the breast of a female minor, or otherwise takes indecent liberties with the minor, with the intent to cause substantial emotional or bodily pain to any individual or with the intent to arouse or <u>gratify the sexual desire of any individual regardless of the sex of any participant</u>. 	76-5-401.2
<p>Use/Possession Of Paraphernalia - It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce a controlled substance into the human body in violation of this chapter</p>	58-37a-5
<p>Voyeurism - A person is guilty of voyeurism who intentionally uses any type of technology to secretly or surreptitiously record video of a person:</p> <ul style="list-style-type: none"> (a) for the purpose of viewing any portion of the individual's body regarding which the individual has a reasonable expectation of privacy, whether or not that portion of the body is covered with clothing; (b) without the knowledge or consent of the individual; and (c) under circumstances in which the individual has a reasonable expectation of privacy. 	76-9-702.7
<p>Use/Possession Of Paraphernalia - It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce a controlled substance into the human body in violation of this chapter</p>	58-37a-5
<p>Voyeurism - A person is guilty of voyeurism who intentionally uses any type of technology to secretly or surreptitiously record video of a person:</p> <ul style="list-style-type: none"> (a) for the purpose of viewing any portion of the individual's body regarding which the individual has a reasonable expectation of privacy, whether or not that portion of the body is covered with clothing; (b) without the knowledge or consent of the individual; and (c) under circumstances in which the individual has a reasonable expectation of privacy. 	76-9-702.7

Violent Felony - "Violent felony" means:

- (i) any of the following offenses, or any attempt, solicitation, or conspiracy to commit any of the following offenses punishable as a felony:
 - (A) aggravated arson, arson, knowingly causing a catastrophe, and criminal mischief, Title 76, Chapter 6, Part 1, Property Destruction;
 - (B) assault by prisoner, Section 76-5-102.5;
 - (C) disarming a police officer, Section 76-5-102.8;
 - (D) aggravated assault, Section 76-5-103;
 - (E) aggravated assault by prisoner, Section 76-5-103.5;
 - (F) mayhem, Section 76-5-105;
 - (G) stalking, Subsection 76-5-106.5(2) or (3);
 - (H) threat of terrorism, Section 76-5-107.3;
 - (I) child abuse, Subsection 76-5-109(2)(a) or (b);
 - (J) commission of domestic violence in the presence of a child, Section 76-5-109.1;
 - (K) abuse or neglect of a child with a disability, Section 76-5-110;
 - (L) abuse, neglect, or exploitation of a vulnerable adult, Section 76-5-111;
 - (M) endangerment of a child or vulnerable adult, Section 76-5-112.5;
 - (N) criminal homicide offenses under Title 76, Chapter 5, Part 2, Criminal Homicide;
 - (O) kidnapping, child kidnapping, and aggravated kidnapping under Title 76, Chapter 5, Part 3, Kidnapping, Trafficking, and Smuggling;
 - (P) rape, Section 76-5-402;
 - (Q) rape of a child, Section 76-5-402.1;
 - (R) object rape, Section 76-5-402.2;
 - (S) object rape of a child, Section 76-5-402.3;
 - (T) forcible sodomy, Section 76-5-403;
 - (U) sodomy on a child, Section 76-5-403.1;
 - (V) forcible sexual abuse, Section 76-5-404;
 - (W) aggravated sexual abuse of a child or sexual abuse of a child, Section 76-5-404.1;
 - (X) aggravated sexual assault, Section 76-5-405;
 - (Y) sexual exploitation of a minor, Section 76-5b-201;
 - (Z) sexual exploitation of a vulnerable adult, Section 76-5b-202;

(BB) aggravated robbery and robbery under Title 76, Chapter 6, Part 3, Robbery;

(CC) theft by extortion under Subsection 76-6-406(2)(a) or (b);

(DD) tampering with a witness under Subsection 76-8-508(1);

(EE) retaliation against a witness, victim, or informant under Section 76-8-508.3;

(FF) tampering with a juror under Subsection 76-8-508.5(2)(c);

(GG) extortion to dismiss a criminal proceeding under Section 76-8-509 if by any threat or by use of force theft by extortion has been committed pursuant to Subsections 76-6-406(2)(a), (b), and (i);

(HH) possession, use, or removal of explosive, chemical, or incendiary devices under Subsections 76-10-306(3) through (6);

(II) unlawful delivery of explosive, chemical, or incendiary devices under Section 76-10-307;

(JJ) purchase or possession of a dangerous weapon or handgun by a restricted person under Section 76-10-503;

(KK) unlawful discharge of a firearm under Section 76-10-508;

(LL) aggravated exploitation of prostitution under Subsection 76-10-1306(1)(a);

(MM) bus hijacking under Section 76-10-1504; and

(NN) discharging firearms and hurling missiles under Section 76-10-1505; or

(ii) any felony violation of a criminal statute of any other state, the United States, or any district, possession, or territory of the United States which would constitute a violent felony as defined in this Subsection (1) if committed in this state

Overview:

A recent review of the Criminal History Guideline highlighted areas of inconsistencies in the recommended licensing action. The guidelines contained mislabeled offenses, offenses that were grouped together, and incorporated needless offenses. Omissions of critical offenses were also discovered. Listed below are the named offenses and their corresponding category.

Furthermore, the Guideline consists of four periods of time in which recommended determinations are placed to inform applicants and licensees while also providing administrative direction. Minor adjustments to the time periods considered were also made to ensure consistent application of determinations and to provide clarity for applicants. Specific adjustments are identified below.

Additions – These offenses were omitted in the first review and have been added to the updated guidelines.

- Abuse or Neglect of a Child with a Disability
- Abuse, Neglect, or Exploitation of a vulnerable Adult
- Arson
- Aggravated Arson
- Aggravated Burglary
- Aggravated Kidnapping
- Bus Hijacking
- Criminal Homicide
 - Aggravated Murder
 - Child Abuse Homicide
 - Homicide by Assault
 - Murder
 - Negligent Homicide
- Damage to or Interruption of a Communication Device
- Disarming a Police Officer
- Discharging Firearms and Hurling Missiles into Buses and Terminals
- Distribution of an Intimate Image
- Endangerment of a Child or Vulnerable Adult
- Exploitation of Prostitution – Aggravated
- Extortion to Dismiss Criminal Proceeding
- Mayhem
- Obstruction of Justice
- Possession of Forged Writing/Device
- Retaliation Against Witness, Victim, or Informant
- Sexual Exploitation of a Vulnerable Adult
- Tampering with Evidence
- Tampering with or Retaliation Against a Juror
- Tampering with a Witness
- Threat of Terrorism
- Unlawful Detention
- Unlawful Discharge of a Firearm

Amendments – These offenses were mislabeled or “grouped” and have been amended or separated for accuracy and clarity:

- Battery corrected and separated as Sexual Battery and Aggravated Battery
- Burglary and Burglary of a Vehicle have been separated
- Homicide has been corrected to include all definitions under Criminal Homicide
- Interfering with Arresting Officer corrected to Interference with Public Servant
- Rape/Object Rape/Rape of a Child have been separated
- Sexual Abuse separated as Forcible Sexual Abuse, Sexual Abuse of a Child, and Sexual Abuse of a Minor (14-16-year-old)
- Sexual Assault corrected to Aggravated Sexual Assault
- Sexual Solicitation corrected to Patronizing a Prostitute
- Sodomy corrected and separated as Forcible Sodomy and Sodomy on a Child
- Unlawful Sexual Activity corrected and separated as Unlawful Sexual Activity with a Minor and Unlawful Sexual Conduct with a 16 or 17-year-old
- Generic “catch-all” guidelines have been amended

Removal – Due to mislabeling, a few offenses were found to be redundant while others did not rise to a level of criminal conduct that would bear a substantial relationship to the applicant's or licensee's ability to safely practice in any given profession or occupation (e.g. dog at large, fishing without a license, etc.). Similarly, traffic offenses that are not substance-related have also been removed.

- Damage to Jails (redundant)
- Dog at Large
- Fishing without a License
- Littering
- Minor in Possession of Alcohol (redundant)
- Operating Vehicle without Insurance
- Possession/Purchase of Tobacco by Minor
- Protective Order, Entered
- Possession of Stolen Property (redundant)
- Simple Assault (redundant)
- Traffic Violations
- Using Handheld Device while Operating Vehicle

Recreational Therapy Baseline Criminal History Guideline Adjustments:

A revised Baseline Criminal History Guideline has been created to correct the deficiencies identified as well as provide necessary definitions, criminal classifications, and suggested determinations based on the collective data. Changes that would modify the published Recreational Therapy Guidelines are indicated below for the board's review.

- **Alcohol Restricted Driver** previously categorized as review in the first two time frames. Adjusted to issue in all four time frames due to the charge classification and a lack of substantial relationship to the practice of the profession.
- **Animal Cruelty** previously categorized as review in the first two time frames. Adjusted to review in the first year and issue in the remaining time frames due to the charge classification and automatic enhancements.
- **Contributing to the Delinquency of a Minor** previously categorized as review in the first two time frames. Adjusted to review in the first year and issue in the remaining time frames due to the charge classification and a lack of substantial relationship to the practice of the profession.
- **Custodial Interference** previously categorized as review in the first year. Adjusted to issue in all four time frames due to a lack of substantial relationship to the practice of the profession.
- **Disorderly Conduct/Continuing After Request to Stop** previously categorized as review in the first year. Adjusted to issue in all four time frames due to the charge classification and a lack of substantial relationship to the practice of the profession.
- **Domestic Violence** previously categorized as review in the first year. Adjusted to issue in all four time frames due to the charge classification, automatic enhancements, and a lack of substantial relationship to the practice of the profession.
- **Domestic Violence in the Presence of a Child** previously categorized as review in the first year. Adjusted to issue in all four time frames due to the charge classification and a lack of substantial relationship to the practice of the profession.
- **Drive with Measurable Amounts** previously categorized as review in the first year. Adjusted to issue in all four time frames due to the charge classification and a lack of substantial relationship to the practice of the profession.
- **DUI** previously categorized as review in the first two time frames. Adjusted to issue in all four time frames due to the charge classification, automatic enhancements, and a lack of substantial relationship to the practice of the profession.
- **False Personal Info to Peace Officer** previously categorized as review in the first year. Adjusted to issue in all four time frames due to the charge classification, automatic enhancements, and a lack of substantial relationship to the practice of the profession.

- **Impersonating an Officer** previously categorized as review in the first two time frames. Adjusted to issue in all four time frames due to the charge classification and a lack of substantial relationship to the practice of the profession.
- **Possession of Marijuana** previously categorized as review in the first year. Adjusted to issue in all four time frames due to the charge classification and a lack of substantial relationship to the practice of the profession.
- **Possession/Use of Controlled Substance** previously categorized as review in the first two time frames. Adjusted to review in the first year and issue in the remaining three time frames due to the charge classification, automatic enhancements and a lack of substantial relationship to the practice of the profession.
- **Protective Order Violation** previously categorized as review in the first two time frames. Adjusted to review in the first year and issue in the remaining three time frames due to the charge classification and a lack of substantial relationship to the practice of the profession.
- **Securities Fraud** previously categorized as review in all four time frames. Adjusted to issue in an offense committed over ten years ago.
- **Stalking** previously categorized as review in the first two time frames. Adjusted to review in the first year and issue in the remaining three time frames due to a lack of substantial relationship to the practice of the profession.
- **Use/Possession of Paraphernalia** previously categorized as review in the first two time frames. Adjusted to issue in all four time frames due to the charge classification and a lack of substantial relationship to the practice of the profession
- **Voyeurism** previously categorized as review in all four time frames. Adjusted to review in the first two time frames and issue in the remaining two time frames due to automatic enhancements.

Removed disparity in substance offenses (e.g. – poss w/intent vs. poss/use)

Removed all “deny” placements to allow for individual consideration in light of no statutory limitations.

CRIMINAL HISTORY GUIDELINES

* RECREATIONAL THERAPY *

revised 2022-01-04

DISCLAIMER : This guideline is provided only for general information and guidance purposes. The Division uses this guideline simply as a starting point in making licensing or disciplinary decisions. Every applicant and licensee is unique, with individual circumstances that may involve aggravating, mitigating, or other factors. Patterns of conduct may affect any final decision. Please consult your attorney if you have questions.

Instructions:

Review the total number of convictions, pleas in abeyance, guilty pleas, or no contest pleas for the corresponding charge(s).

Note: any pattern of three similarly related charges require manager review

KEY:

Issue - proceed with application
Review - requires manager review
Denied - licensure prohibited

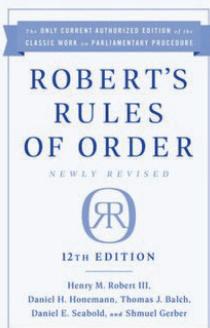
Manager review may result in an interview with the appropriate licensing board

DRAFT

CHARGE	TIME FRAME (most recent charge)				CHARGE CLASSIFICATION
	0-12 mo.	13-48 mo.	5-10 yrs	>10 yrs	
Abuse or Neglect of a Child with a Disability	Review	Review	Issue	Issue	3rd Degree Felony
Abuse, Neglect, or Exploitation of a Vulnerable Adult	Review	Review	Issue	Issue	2nd Degree Felony, 3rd Degree Felony, Class A Misdemeanor (intentional, reckless, negligent) under circumstances likely to produce death or serious physical injury
Alcohol Restricted Driver	Issue	Issue	Issue	Issue	Class B Misdemeanor
Animal Cruelty	Review	Issue	Issue	Issue	Class A, B, C, Misdemeanor (intentional, reckless, negligent) or 3rd Degree Felony for intentional torture of companion animal
Arson	Review	Review	Issue	Issue	2nd Degree Felony
Aggravated Arson	Review	Review	Issue	Issue	1st Degree Felony
Assault by a Prisoner	Review	Issue	Issue	Issue	3rd Degree Felony
Assault	Review	Issue	Issue	Issue	Class B Misdemeanor enhanced to a Class A when results in substantial bodily injury
Aggravated Assault	Review	Issue	Issue	Issue	3rd Degree Felony
Assault Against Police Officer/Military/Health Care Provider/EMS	Review	Issue	Issue	Issue	3rd Degree Felony
Burglary	Review	Issue	Issue	Issue	3rd Degree Felony or enhanced to 2nd Degree Felony if committed in a dwelling
Aggravated Burglary	Review	Review	Issue	Issue	1st Degree Felony
Burglary of a Vehicle	Review	Issue	Issue	Issue	Class A Misdemeanor
Bus Hijacking	Review	Review	Review	Issue	1st Degree Felony
Child Abuse	Review	Review	Issue	Issue	Class A, B, C Misdemeanor (intentional, reckless, negligent) or enhanced to - 2nd Degree Felony, 3rd Degree Felony, Class A Misdemeanor (intentional, reckless, negligent) when results in serious injury
Communications Fraud	Review	Issue	Issue	Issue	Class B Misdemeanor - <\$500, Class A Misdemeanor - \$500-\$1499, 3rd Degree Felony - \$1500 - \$4999, 2nd Degree Felony - >\$5000 or obtains sensitive personal identifying info, regardless of value
Contributing to the Delinquency of a Minor	Review	Issue	Issue	Issue	Class B Misdemeanor
Criminal Mischief or Criminal Mischief Intentional Damage of Property	Issue	Issue	Issue	Issue	Class A and B Misdemeanors, 2nd Degree Felony and 3rd Degree Felony varying with degree of monetary damage and threat to human life or human health or safety
Criminal Trespass	Issue	Issue	Issue	Issue	Class B Misdemeanor or enhanced to Class A if committed in a dwelling
Custodial Interference	Issue	Issue	Issue	Issue	Class A or enhanced to 3rd Degree Felony if the child is removed from the state.
Damage to or Interruption of a Communication Device	Review	Issue	Issue	Issue	Class B Misdemeanor
Deal in Harmful Material to a Minor	Review	Issue	Issue	Issue	3rd Degree Felony
Disarming a Peace Officer	Review	Review	Issue	Issue	1st Degree Felony if a firearm and 3rd Degree if a conductive energy device
Discharging Firearms and Hurling Missiles into Buses and Terminals	Review	Review	Issue	Issue	3rd Degree Felony
Disorderly Conduct/ Continuing After Request to Stop	Issue	Issue	Issue	Issue	Class C Misdemeanor
Distribution of an Intimate Image	Review	Issue	Issue	Issue	Class A Misdemeanor
Distribution/Offer/Arrange Distribution of Controlled Substance	Review	Issue	Issue	Issue	3rd Degree Felony
Domestic Violence	Issue	Issue	Issue	Issue	Class B Misdemeanor with multiple conditions for enhancements
Domestic Violence in the Presence of a Child	Issue	Issue	Issue	Issue	Class B Misdemeanor
Drive With Measurable Amounts	Issue	Issue	Issue	Issue	Class B Misdemeanor
DUI (Drive Under the Influence)	Issue	Issue	Issue	Issue	Class B Misdemeanor - third conviction in 10 years results in a 3rd Degree Felony

Electronic Communication Harassment	Issue	Issue	Issue	Issue	Class B Misdemeanor
Endangerment of a Child or Vulnerable Adult	Review	Review	Issue	Issue	2nd Degree Felony Enhanced to 1st Degree if results in death
Enticing a Minor Over the Internet	Review	Review	Issue	Issue	Class B Misdemeanor with multiple conditions for enhancements
Exploitation of Prostitution - Aggravated	Review	Review	Issue	Issue	2nd Degree Felony enhanced to 1st Degree if involves a child
Extortion or Bribery to Dismiss Criminal Proceedings	Review	Review	Issue	Issue	2nd Degree Felony
Failure to Stop at Command of Law Enforcement	Issue	Issue	Issue	Issue	Class A Misdemeanor
False Personal Info to Peace Officer	Issue	Issue	Issue	Issue	Class C Misdemeanor enhanced to a Class A with the intent to be another actual person
Forgery	Review	Issue	Issue	Issue	3rd Degree Felony
Criminal Homicide:					Multiple Classifications: see below
<i>Aggravated Murder</i>	Review	Review	Review	Review	1st Degree Felony or Capital Felony if seeking death penalty
<i>Automobile Homicide</i>	Review	Review	Review	Review	2nd Degree Felony
<i>Child Abuse Homicide</i>	Review	Review	Review	Review	1st Degree Felony if reckless or 2nd Degree if negligent
<i>Homicide by Assault</i>	Review	Review	Review	Review	3rd Degree Felony
<i>Manslaughter</i>	Review	Review	Review	Review	2nd Degree Felony
<i>Murder</i>	Review	Review	Review	Review	1st Degree Felony
<i>Negligent Homicide</i>	Review	Review	Review	Review	Class A Misdemeanor
Human Trafficking/Smuggling	Review	Review	Review	Review	2nd Degree Felony or 1st Degree Felony if involves a child (under age of 18)
Impaired Driving	Issue	Issue	Issue	Issue	Class B Misdemeanor
Impersonating an Officer	Issue	Issue	Issue	Issue	Class B Misdemeanor
Interference with Public Servant	Issue	Issue	Issue	Issue	Class B Misdemeanor
Intoxication/Public Intoxication	Issue	Issue	Issue	Issue	Class C Misdemeanor
Items Prohibited Correctional/Mental Health Facilities	Review	Issue	Issue	Issue	3rd Degree Felony or enhanced to a 2nd Degree Felony if the item is a weapon or implement of escape
"Joyriding" Unauthorized Control for Extended Time	Issue	Issue	Issue	Issue	Class A Misdemeanor
Kidnapping/Child Kidnapping/Aggravated Kidnapping	Review	Review	Review	Review	2nd Degree Felony or enhanced to a 1st Degree Felony if child kidnapping or aggravated
Lewdness	Review	Issue	Issue	Issue	Class B Misdemeanor
Mayhem	Review	Review	Issue	Issue	2nd Degree Felony
Obstruction of Justice	Review	Issue	Issue	Issue	Class A Misdemeanor with enhancements based on classification of primary charge
Open Container/ Drinking Alcohol in a Vehicle	Issue	Issue	Issue	Issue	Class C Misdemeanor
Patronizing a Prostitute	Issue	Issue	Issue	Issue	Class A Misdemeanor
Possession of Forged Writing or Device for Writing	Review	Issue	Issue	Issue	3rd Degree Felony
Possession of Marijuana	Issue	Issue	Issue	Issue	Class B Misdemeanor
Possession With Intent to Distribute	Review	Issue	Issue	Issue	2nd Degree Felony for Schedule I, II and >100lbs of marijuana - 3rd Degree Felony for Schedule III, IV or <100lbs marijuana
Possession/Use of Controlled Substance	Review	Issue	Issue	Issue	Class A Misdemeanor for Schedule I or II and Class B for all others
Production/Transfer False Identification	Review	Review	Issue	Issue	2nd Degree Felony
Protective Order Violation	Review	Issue	Issue	Issue	Class A Misdemeanor
Purchase/Possession/Consumption of Alcohol by a Minor	Issue	Issue	Issue	Issue	Class B Misdemeanor
Purchase/Possession/Transfer/ Use of a Firearm by a Restricted Person	Review	Review	Issue	Issue	2nd Degree Felony for a Category I Restricted Person and 3rd Degree Felony for a Category II Restricted Person
Rape	Review	Review	Review	Review	1st Degree Felony
Rape of a Child	Review	Review	Review	Review	1st Degree Felony
Object Rape	Review	Review	Review	Review	1st Degree Felony
Reckless Driving/ Alcohol Related Reckless Driving	Issue	Issue	Issue	Issue	Class B Misdemeanor
Retail Theft	Issue	Issue	Issue	Issue	Varies from Class B Misdemeanor through 2nd Degree Felony based on value
Retaliation Against a Witness, Victim, or Informant	Review	Review	Issue	Issue	3rd Degree Felony
Robbery	Review	Issue	Issue	Issue	2nd Degree Felony
Securities Fraud	Review	Review	Review	Issue	3rd Degree Felony for <\$10,000 and 2nd Degree Felony for fraud exceeding \$10,000
Sexual Abuse of a Child	Review	Review	Review	Review	2nd Degree Felony
Sexual Abuse of a Minor (14-16 year old)	Review	Review	Review	Review	Class A Misdemeanor
Forcible Sex Abuse	Review	Review	Review	Review	2nd Degree Felony
Aggravated Sexual Assault	Review	Review	Review	Review	1st Degree Felony
Sexual Battery	Review	Review	Review	Review	Class A Misdemeanor
Sexual Exploitation of a Minor	Review	Review	Review	Review	2nd Degree Felony Enhanced to 1st Degree Under certain circumstances
Sexual Exploitation of a Vulnerable Adult	Review	Review	Review	Review	3rd Degree Felony
Forcible Sodomy	Review	Review	Review	Review	1st Degree Felony
Sodomy on a Child	Review	Review	Review	Review	1st Degree Felony
Stalking	Review	Issue	Issue	Issue	Class A Misdemeanor
Tampering with Evidence	Review	Issue	Issue	Issue	3rd Degree Felony

Tampering with or Retaliation Against a Juror	Review	Issue	Issue	Issue	3rd Degree Felony
Tampering with a Witness	Review	Issue	Issue	Issue	3rd Degree Felony
Theft or Theft of Services	Review	Issue	Issue	Issue	Varies from Class B Misdemeanor through 2nd Degree Felony based on value
Threat of Terrorism	Review	Issue	Issue	Issue	Varies from Class B Misdemeanor through 2nd Degree Felony based on severity
Unlawful Acquisition/Possession/ Use of Financial Card	Review	Issue	Issue	Issue	3rd Degree Felony
Unlawful Detention	Issue	Issue	Issue	Issue	Class B Misdemeanor
Unlawful Discharge of a Firearm	Review	Review	Issue	Issue	3rd Degree Felony enhanced to 2nd Degree with bodily injury and 1st Degree with serious bodily injury
Unlawful Sexual Activity with a Minor	Review	Review	Issue	Issue	3rd Degree Felony or mitigated to a Class A Misdemeanor if defendant was under 21 - and Class B if defendant was less than 4 yrs older than victim
Unlawful Sexual Conduct with a 16 or 17 Year Old	Review	Review	Issue	Issue	Class A Misdemeanor or enhanced to a 3rd Degree Felony if the offense involves intercourse, penetration, or oral sexual activity
Use/Possession of Paraphernalia	Issue	Issue	Issue	Issue	Class B Misdemeanor
Voyeurism	Review	Review	Issue	Issue	Class A Misdemeanor or enhanced to a 3rd degree Felony if the victim is under age 14
** Non Substance-Related Traffic Offenses (ex: Parking, Speeding, Unsecured Load, Failure to Signal, Etc.)	Issue	Issue	Issue	Issue	
** Other Misdemeanor Charges Not Listed Above (ex: Littering, Dog at Large, Fishing Without a License, Etc.)	Issue	Issue	Issue	Issue	
** Any Other Crime if on the Sex Offender Registry	Review	Review	Review	Review	
** 2nd and 3rd Degree Felony Charges (Any Charge within 7 years)	Review	Review	Review	Issue	
** 1st Degree or Capital Felony (Any Charge)	Review	Review	Review	Review	



Roberts Rules of Order

SIMPLIFIED

GUIDING PRINCIPLES:

- Everyone has the right to participate in discussion if they wish, before anyone may speak a second time.
- Everyone has the right to know what is going on at all times. Only urgent matters may interrupt a speaker.
- Only one thing (motion) can be discussed at a time.

A **motion** is the topic under discussion (e.g., "I move that we add a coffee break to this meeting"). After being recognized by the chairperson of the board, any member can introduce a motion when no other motion is on the table. A motion requires a second to be considered. If there is no second, the matter is not considered. Each motion must be disposed of (passed, defeated, tabled, referred to committee, or postponed indefinitely).

The Chair has the same right to make or second a motion or to debate as the other Board Members. The role of presiding officer need not be assigned to another Board Member while the Chair exercises these rights.

HOW TO DO THINGS:

You want to bring up a new idea before the group.

- After recognition by the chairperson of the board, present your motion. A second is required for the motion to go to the floor for discussion, or consideration.

You want to change some of the wording in a motion under discussion.

- After recognition by the chairperson of the board, move to amend by adding words, striking words or striking and inserting words.

You like the idea of a motion being discussed, but you need to reword it beyond simple word changes.

- Move to substitute your motion for the original motion. If it is seconded, discussion will continue on both motions and eventually the body will vote on which motion they prefer.

You want more study and/or investigation given to the idea being discussed.

- Move to refer to a committee. Try to be specific as to the charge to the committee.

You want more time personally to study the proposal being discussed.

- Move to postpone to a definite time or date.

You are tired of the current discussion.

- Move to limit debate to a set period of time or to a set number of speakers. Requires a 2/3rds vote.

You have heard enough discussion.

- Move to close the debate. Also referred to as calling the question. This cuts off discussion and brings the assembly to a vote on the pending question only. Requires a 2/3rds vote.

You want to postpone a motion until some later time.

- Move to table the motion. The motion may be taken from the table after 1 item of business has been conducted. If the motion is not taken from the table by the end of the next meeting, it is dead. To kill a motion at the time it is tabled requires a 2/3rds vote. A majority is required to table a motion without killing it.

You have changed your mind about something that was voted on earlier in the meeting for which you were on the winning side.

- Move to reconsider. If the majority agrees, the motion comes back on the floor as though the vote had not occurred.

UNANIMOUS CONSENT:

If a matter is considered relatively minor or opposition is not expected, a call for unanimous consent may be requested. If the request is made by others, the chairperson of the board will repeat the request and then pause for objections. If none are heard, the motion passes.

You may INTERRUPT a speaker for these reasons only:

- To get information about business –point of information to get information about rules– parliamentary inquiry
- If you can't hear, safety reasons, comfort, etc. –question of privilege
- If you see a breach of the rules –point of order
- If you disagree with the chairperson of the board's ruling –appeal
- If you disagree with a call for Unanimous Consent –object

SECONDING A MOTION:

A person who seconds the motion has neither claim to the motion nor any obligation to agree with the motion. **Seconding a motion does not indicate that the member is in support of the motion, only that he or she thinks the idea should be discussed.** In fact, it may be an idea that the member wishes to speak negatively about in order to persuade the group to vote the motion down.

Some boards have a custom of placing the name of the person who seconds a motion in the minutes. This is not a required practice unless it is defined as a special rule or in the bylaws of a group. Technically, if debate begins on a motion before a second is made, and it is policy to record the “seconder” in the minutes, **the member who started the debate has provided the second**. The role of the secretary is to document the actions taken by the board not to make sure a motion had a second - that role belongs to the presiding officer.

The chair must make sure a board's time is spent wisely and ascertain whether or not more than one member wants a motion to come before the group. The presiding officer can stall debate until a second is made or call for a second to speed the group along. **Unless objected to by a member, the chair may move directly to debate without a second when handling routine motions.**

It is also important to know, that **the absence of a second does not affect the validity of a motion's adoption**, it is merely a step in the process of handling a motion.

REASONS WHY A MEETING COMES TO AN END:

There are two main reasons why a board meeting comes to an end. Ideally, these two reasons for ending a meeting should coincide. An effective chair will know how to build an agenda that fits the required timeframe and can steer the conversation to keep the momentum going so that it finishes when it should.

- You have covered all the items on the agenda. The meeting may finish once the board has discussed and voted on all the scheduled items, received the financial reports and committee reports and considered motions and recommendations. There is an opportunity for any other business at the end of the meeting and once the chair has dealt with any input from this – either allowing a debate or promising to add it to the next meeting agenda – they can adjourn the board meeting.
- You have run out of time. Board members have busy lives, often including an additional full-time job and other board postings, so their time is precious. When you set a duration for a board meeting it is only right to stick to those timings. Not only is it a sign of respect for the board's time, but it prevents the meeting from dragging on for too long and risking the board disengaging with the matters at hand.

But there is also another reason why you might have to end a meeting:

- You cannot establish a quorum.

ADJOURNING A MEETING:

According to the protocol from Robert's Rules of Order, the chair can adjourn a meeting without a motion if the time limit is met or if the agenda is complete. In addition, there does not need to be a motion to adjourn if there is imminent danger to the attendees.