

13-76-6-805. PENALTY. Any person violating the provision of this part shall be punished subject to the provisions of 13-76-6-413.

CHAPTER 13-76-7-000. OFFENSES AGAINST THE FAMILY.

PART 13-76-7-100. MARITAL VIOLATIONS.

13-76-7-101 through 13-76-7-102. Reserved.

13-76-7-103. ADULTERY. A married person commits adultery when he voluntarily has sexual intercourse other than with his spouse. Adultery is a class B misdemeanor.

13-76-7-104. FORNICATION.

1. Any unmarried person who shall voluntarily engage in sexual intercourse with another is guilty of fornication.
2. Fornication is a class B misdemeanor.

CHAPTER 13-76-8-000. OFFENSES AGAINST GOVERNMENT.

PART 13-76-8-100. CORRUPT PRACTICES.

13-76-8-101. DEFINITIONS. For purposes of this chapter:

1. "Public servant" means any officer or employee of the city, including judges, consultants, jurors, and persons otherwise performing a government function. A person is considered a public servant upon his election appointment, or other designation as such, although he may not yet officially occupy that position.
2. "Party official" means any person holding any post in a political party whether by election, appointment, or otherwise.
3. "Pecuniary benefit" means any advantage in the form of money, property, commercial interest, or anything else, the primary significance of which is economic gain; it does not include economic advantage applicable to the public generally, such as tax reduction or increase prosperity generally.
4. A person is a candidate for electoral office upon his filing or being nominated as a candidate for any city office.

13-76-8-102. CAMPAIGN CONTRIBUTIONS NOT PROHIBITED. Nothing in this chapter shall be construed to prohibit the giving or receiving of campaign contributions made for the purpose of defraying the costs of a political campaign. No person shall be convicted of any offense solely on the evidence that a campaign contribution was made and that an appointment or nomination was subsequently made by the person to whose campaign or political party the contribution was made.

13-76-8-103. BRIBERY TO INFLUENCE OFFICIAL OR POLITICAL ACTIONS. A person is guilty of a class B misdemeanor if:

1. He promises, offers, or gives any pecuniary benefit to another with the purpose of influencing the other's action, decision, opinion, recommendation, vote, nomination, or other exercise of discretion as a public servant, party official, or voter; or

2. Being a public servant, party official, candidate for electoral office, or voter, he solicits, accepts, or agrees to accept any pecuniary benefit from another, knowing the other person's purpose is as describe above in paragraph A of this section.

13-76-8-104. THREATS TO INFLUENCE OFFICIAL OR POLITICAL ACTION.

1. A person is guilty of a class B misdemeanor if he threatens any harm to a public servant, party official, or voter with a purpose of influencing his action, decision, opinion, recommendation, nomination, vote, or other exercise of discretion.
2. "Harm", as used in this section, means any disadvantage or injury, pecuniary or otherwise, including disadvantage or injury to any other person or entity in whose welfare the public servant, party official, or voter is interested.

13-76-8-105. RECEIVING BRIBE OR BRIBERY BY PUBLIC SERVANT. A person is guilty of a class B misdemeanor if:

1. Being a public servant, he solicits, accepts, or agrees to accept any pecuniary benefit in return for having given a decision, opinion, recommendation, nomination, vote, otherwise exercised in his discretion, or for having violated his duty; or
2. He promises, offers, or gives any pecuniary benefit, acceptance of which would be a violation of paragraph 1.

13-76-8-106. RECEIVING BRIBE OR BRIBERY FOR ENDORSEMENT OF PERSON AS PUBLIC SERVANT. A person is guilty of a class B misdemeanor if:

1. He solicits, accepts, agrees to accept for himself, another person, or a political party, money or any other pecuniary benefit as compensation for his endorsement, nomination, appointment, approval, or disapproval of any person for a position as a public servant or for the advancement of any public servant; or
2. He knowingly gives, offers, or promises any pecuniary benefit prohibited by paragraph 1.

13-76-8-107. ALTERATION OF PROPOSED ORDINANCE OR RESOLUTION. Every person who fraudulently alters the draft of any ordinance or resolution which has been presented to the city council to be passed or adopted, with intent to procure it being passed or adopted by the city council or signed by the mayor in language different from that intended by the city council, is guilty of a class B misdemeanor.

13-76-8-108. ALTERATION OF ENGROSSED COPY OF ORDINANCE OR RESOLUTION. Every person who fraudulently alters any ordinance or resolution which has been passed or adopted by the city council with intent to have it printed or published as part of the ordinances or resolutions of this city in language different from that in which it was passed or adopted by the city council, is guilty of a class B misdemeanor.

13-76-8-109. FAILURE OF MEMBER OF CITY COUNCIL TO DISCLOSE INTEREST IN ORDINANCE OR RESOLUTION. Every member of the city council who has a personal or private interest in the measure, ordinance or resolution proposed or pending before the city council and does not disclose the fact to the city council and votes thereon is guilty of a class B misdemeanor.

PART

13-76-8-200. ABUSE OF OFFICE.

13-76-8-201. OFFICIAL MISCONDUCT - UNAUTHORIZED ACTS OR FAILURE OF DUTY. A public servant is guilty of a class B misdemeanor if, with an intent to benefit himself or another or to harm another, he knowingly commits an unauthorized act which purports to be an act of his office, or knowingly refrains from performing a duty imposed on him by law or clearly inherent in the nature of his office.

13-76-8-202. OFFICIAL MISCONDUCT - UNLAWFUL ACTS BASED ON "INSIDE" INFORMATION. A public servant is guilty of a class B misdemeanor if, knowing that official action is contemplated or in reliance on information which he has acquired by virtue of his office or from another public servant which information has not been made public, he:

1. Acquires or divests himself of a pecuniary interest in any property, transaction, or enterprise which may be affected by such action or information; or
2. Speculates or wagers on the basis of such action information; or
3. Knowingly aids another to do any of the foregoing.

13-76-8-203. UNOFFICIAL MISCONDUCT.

1. A person is guilty of unofficial misconduct if he exercises or attempts to exercise any of the functions of a public office when:
 - a. He has not taken and filed the required oath of office; or
 - b. He has failed to execute and file the required bond; or
 - c. He has not been elected or appointed to office; or
 - d. He exercises any of the functions of his office after his term has expired and the successor has been elected or appointed and has qualified, or after his office has been legally removed.
 - e. He knowingly withholds or retains from his successor in office or other person entitled to the official seal or any records, papers, documents, or other writings appertaining or belonging to his office or mutilates or destroys or takes away the same.
2. Unofficial misconduct is a class B misdemeanor.

PART

13-76-8-300. OBSTRUCTING GOVERNMENTAL OPERATIONS.

13-76-8-301. INTERFERENCE WITH PUBLIC SERVANT. A person is guilty of a class B misdemeanor if he 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.

13-76-8-302. PICKETING OR PARADING IN OR NEAR COURT. A person is guilty of a class B misdemeanor if he pickets or parades in or near a building which houses a court of this city with intent to obstruct access to that court or to affect the outcome of a case pending before that court.

13-76-8-303. PREVENTION OF CITY COUNCIL OR PUBLIC SERVANT FROM MEETING OR ORGANIZING. A person is guilty of a class B misdemeanor if he intentionally and by force or fraud:

1. Prevents the city council of this city or any of the members thereof, from meeting or organizing; or
2. Prevents any other public servant from meeting or organizing to perform a lawful governmental function.

13-76-3-304. DISTURBING CITY COUNCIL OR OFFICIAL MEETING.

1. A person is guilty of a class B misdemeanor if:
 - a. He intentionally disturbs the city council while in session; or
 - b. He intentionally commits any disorderly conduct in the immediate view and presence of the city council of this city which tends to interrupt its proceedings or impair the respect of its authority; or
 - c. Intentionally disturbs an official meeting or commits any disorderly conduct in immediate view and presence of participants in an official meeting which tends to interrupt its proceedings.
2. "Official meeting," as used in this section, means any lawful meeting of city officials for the purposes of carrying on governmental functions.

13-76-8-305. INTERFERENCE WITH PEACE OFFICER MAKING ARREST. A person is guilty of a class B misdemeanor if he has knowledge, or by the exercise of reasonable care, should have knowledge, that a peace officer is seeking to effect a lawful arrest or detention of himself or another and interferes with such arrest or detention by use of force or by the use of any weapon.

13-76-8-306. OBSTRUCTING JUSTICE.

1. A person is guilty of an offense if, with intent to hinder, prevent, or delay the discovery, apprehension, prosecution, conviction or punishment of another for the commission of a crime, he:
 - a. Knowing an offense has been committed, conceals it from a magistrate; or
 - b. Harbors or conceals the offender; or
 - c. Provides the offender a weapon, transportation, disguise, or other means for avoiding discovery or apprehension; or
 - d. Warns such offender of impending discovery of apprehension; or
 - e. Conceals, destroys, or alters any physical evidence that might aid in the discovery, apprehension, or conviction of such person; or
 - f. Obstructs by force, intimidation, or deception anyone from performing an act which might aid in the discovery, apprehension, prosecution or conviction of such person.

2. An offense under this section is a class B misdemeanor.

13-76-8-307. FAILURE TO AID PEACE OFFICER. A person is guilty of a class B misdemeanor if, upon command by a peace officer identifiable or identified by him as such, he unreasonably fails or refuses to aid the peace officer in effecting an arrest or in preventing the commission of any offense by another person.

13-76-8-308. ACCEPTANCE OF BRIBE OR BRIBERY TO PREVENT CRIMINAL PROSECUTION - DEFENSE.

1. A person is guilty of a class B misdemeanor if he:
 - a. Solicits, accepts, or agrees to accept any benefit as consideration for his refraining from initiating or aiding in a criminal prosecution; or
 - b. Confers, offers, or agrees to confer any benefit upon another as consideration for the person refraining from initiating or aiding in a criminal prosecution;
2. It is an affirmative defense that the value of the benefit did not exceed an amount which the actor believed to be due as restitution or indemnification for the loss caused or to be caused by the offense.

13-76-8-309. ESCAPE - TERM FOR ESCAPE FROM CITY JAIL.

1. A person is guilty of a class B misdemeanor if he escapes from official custody.
2. "Official custody," for the purpose of this section, means arrest, custody in the city jail, or any other institution for confinement to which an offender has been confined pursuant to an order of the city court. For purposes of this section a person is deemed to be confined in the city jail if he has been sentenced and committed and the sentence has not been terminated or voided or the prisoner is not on parole.
3. The term imposed upon a person escaping confinement in the city jail shall commence from the time the actor would otherwise have been discharged from the jail on the term or terms which he was serving.

13-76-8-310 and 13-76-8-311. Reserved

13-76-8-312. BAIL - JUMPING.

1. A person is guilty of an offense when having been released on bail or on his own recognizance by court order or by other lawful authority upon condition that he subsequently appear personally upon a charge of an offense, he fails without just cause to appear at the time and place which have been lawfully designated for his appearance.
2. Bail-jumping is an infraction

PART

13-76-8-400. OFFENSE AGAINST PUBLIC PROPERTY.

13-76-8-401. "PUBLIC MONEYS" DEFINED. As used in this part, "public moneys" includes all bonds and evidences of indebtedness and all money belonging to the city and all money, bonds, and evidences of indebtedness received or held by city officials in their official capacity.

13-76-8-402. MISUSING PUBLIC MONEYS.

1. Every officer of this city and every other person charged with the receipt, safekeeping, transfer or disbursement of moneys of this city commits an offense if he:
 - a. Without authority of law appropriates the money or any portion thereof to his own use, or to the use of another; or
 - b. Loans the money or any portion thereof without authority of law; or
 - c. Fails to keep the money in his possession until disbursed or paid out by authority of law; or
 - d. Unlawfully deposits the money or any portion in any bank or with any other person; or
 - e. Knowingly keeps any false account, or makes any false entry or erasure in any account of or relating to the money; or
 - f. Fraudulently alters, falsifies, conceals, destroys, or obliterates any such account; or
 - g. Willfully refuses or omits to pay over, on demand, any public moneys in his hands, upon the presentation of a draft, order, or warrant drawn upon such money by competent authority; or
 - h. Willfully omits to transfer the money when the transfer is required by law; or
 - i. Willfully omits or refuses to pay over, to any officer or person authorized by law to receive it, any money received by him under any duty imposed by law so to pay over the same.

2. A violation of this section is a class B misdemeanor.

13-76-8-403. FAILURE TO KEEP AND PAY OVER PUBLIC MONEYS. Every officer charged with the receipt, safekeeping, or disbursement of public moneys who neglects or fails to keep and pay over the money, in the manner prescribed by law, is guilty of a class B misdemeanor.

13-76-8-404. MAKING PROFIT OUT OF, OR MISUSING PUBLIC MONEYS. Any public officer who shall make a profit out of public moneys, or shall use the same for a purpose not authorized by law, is guilty of a class B misdemeanor.

13-76-8-405. FAILURE TO PAY OVER FINE, FORFEITURE OR FEE. Every public officer who receives any fine, forfeiture, or fee and refuses or neglects to pay it over within the time prescribed by law is guilty of a class B misdemeanor.

13-76-8-406. OBSTRUCTING COLLECTION OF REVENUE. Every person who willfully obstructs or hinders any public officer from collecting any revenue, taxes, or other sums of money in which the people of this city have an interest and which such officer is by law empowered to collect, is guilty of a class B misdemeanor.

13-76-8-407. REFUSING TO GIVE TAX ASSESSMENT INFORMATION, OR GIVING FALSE INFORMATION. Every person who unlawfully refuses, upon demand, to give any county

assessor or deputy county assessor or the city assessor a list of his property subject to taxation, or to swear to such list, or who gives a false name, or fraudulently refuses to give his true name when demanded by the assessor in the discharge of his official duties, is guilty of a class B misdemeanor.

13-76-8-408. GIVING FALSE TAX RECEIPT OR FAILING TO GIVE RECEIPT. Every person who uses or gives any receipt, except that prescribed by the ordinances, resolutions or rules of this city, as evidence of the payment for the tax or license of any kind, or who receives payment for the tax or license without delivery the receipt prescribed, is guilty of a class B misdemeanor.

13-76-8-409. REFUSING TO GIVE TAX ASSESSOR OR TAX OR LICENSE COLLECTOR A LIST OF, OR DENYING ACCESS TO EMPLOYEES. Every person who, when requested by the assessor or collector of taxes or license fees, refuses to give to any assessor or collector the name and residence of each man in his employ, or to give the assessor or collector access to the building or place where such men are employed, is guilty of a class B misdemeanor.

13-76-8-410. DOING BUSINESS WITHOUT LICENSE. Every person who commences or carries on any business, trade, profession, or calling, for the transaction or carrying on of which a license is required by any ordinance of this city, without taking out the license required is guilty of a class B misdemeanor.

13-76-8-411. TRAFFICKING IN WARRANTS. No officer of this city shall, either directly or indirectly, contract for or purchase any warrant or order issued by this city at any discount whatever upon the sum due on the warrant or order, and if any officer of this city shall so contract for or purchase any such order or warrant on a discount, he is guilty of a class B misdemeanor.

13-76-8-412. STEALING, DESTROYING OR MUTILATING PUBLIC RECORDS BY CUSTODIAN. Every officer having the custody of any record, map, or book, or any paper or proceedings of any court, filed or deposited in any public office, or placed in his hands for any purpose, who is guilty of stealing, willfully destroying, mutilation, defacing, altering, falsifying, removing, or secreting the whole or any part thereof, or who permits any other person so to do, is guilty of a class B misdemeanor.

13-76-8-413. STEALING, DESTROYING OR MUTILATING PUBLIC RECORDS BY ONE NOT THE CUSTODIAN. Every person, not an officer such as is referred to in the preceding section, who has committed any of the acts specified in that section is guilty of a class B misdemeanor.

13-76-8-414. RECORDING FALSE OR FORGED INSTRUMENTS. Every person who knowingly procures or offers any false or forged instrument to be filed, registered, or recorded in any office of this city, which instrument, if genuine, might be filed or registered or recorded under any law or ordinance of this state or city or of the United States, is guilty of a class B misdemeanor.

13-76-8-415. INJURING OR REMOVING MONUMENTS OF OFFICIAL SURVEYS. Every person who willfully injures, defaces, or removes any signal, monument, building, or appurtenance thereto, placed, erected or used by persons engaged in the United States or state survey or survey of this city is guilty of a class B misdemeanor.

13-76-8-416. TAKING TOLL OR MAINTAINING ROAD, BRIDGE, OR FERRY WITHOUT AUTHORITY - REFUSAL TO PAY LAWFUL TOLL. Any person who demands or receives compensation for the use of any bridge or ferry, or who sets up or keeps any road, bridge, or ferry, or constructed ford, for the purpose of receiving remuneration for its use without

authority of law; and any person who refuses to pay on demand the compensation or fee authorized to be collected for use of a licensed toll road, bridge, ferry, or constructed ford after having used it is guilty of a class B misdemeanor.

13-76-8-417. TAMPERING WITH OFFICIAL NOTICE OR PROCLAMATION. Every person who intentionally defaces, obliterates, tears down or destroys any copy or transcript or extract from or of any law of the United States or state of Utah, or this city, or any proclamation, advertisement, notice, resolution or ordinance, set up at any place in this city by authority of any law of the United States or of the state of Utah or of this city, or by order of any court or of any public officer, before the expiration of the time for which the same was to remain, is guilty of an infraction.

13-76-8-418. INJURING JAILS. Every person who willfully and intentionally breaks down, pulls down, or otherwise destroys or injures any public jail or other place of confinement, is guilty of a class B misdemeanor.

13-76-8-419. INJURING HIGHWAYS OR BRIDGES. Every person who maliciously digs up, removes, displaces, breaks, or otherwise injures or destroys any public highway, or any private way laid out by authority of law, or any bridge upon such highway or private way, is guilty of a class B misdemeanor.

13-76-8-420. REMOVING OR INJURING ROAD SIGNS. Every person who maliciously removes or injures any milepost, milestone or guidepost or any inscription on them, erected upon any highway, street, road or alley is guilty of a class B misdemeanor.

PART

13-76-8-500. FALSIFICATION IN OFFICIAL MATTERS.

13-76-8-501. DEFINITIONS. For the purposes of this part:

1. "Official proceeding" means any proceeding before the city council, court or administrative body of this city authorized by any state or ordinance of the city council to take evidence under oath or affirmation, including a notary or other person taking evidence in connection with any of these proceedings.
2. "Material" means capable of affecting the course or outcome of the proceeding. A statement is not material if it is retracted in the course of the official proceeding in which it was made before it became manifest that the falsification was or would be exposed and before it substantially affected the proceeding. Whether a statement is material is a question of law to be determined by the court.

13-76-8-502. FALSE OR INCONSISTENT MATERIAL STATEMENTS. A person is guilty of a class B misdemeanor if in any official proceeding of any proceeding conducted by this city or pursuant to its ordinances:

1. He makes a false material statement under oath or affirmation or swears or affirms the truth of a material statement previously made and he does not believe the statement to be true; or
2. He makes inconsistent material statements under oath or affirmation, both within the period of limitations, one of which is false and not believed by him to be true. In a prosecution under this section, it need not be alleged or proved which of the statements is false but only that one or the other was false and not believed by the defendant to be true.

13-76-8-503. FALSE OR INCONSISTENT STATEMENTS. In any proceeding conducted by this city or pursuant to its ordinances a person is guilty of a class B misdemeanor if:

1. He makes a false statement under oath or affirmation or swears or affirms the truth of the statement previously made and he does not believe the statement to be true if:
 - a. The falsification occurs in an official proceeding, or is made with a purpose to mislead a public servant in performing his official functions; or
 - b. The statement is one which is required by law to be sworn or affirmed before a notary or other person authorized to administer oaths; or
 - c. He makes inconsistent statements under oath or affirmation, both within the period of limitations, one of which is false and not believed by him to be true. In a prosecution under this section, it need not be alleged or proved which of the statements is false but only that one or the other was false and not believed by the defendant to be true.
2. No person shall be guilty under this section if he retracts the falsification before it becomes manifest that the falsification was or would be exposed.

13-76-8-504. WRITTEN FALSE STATEMENT. A person is guilty of a class B misdemeanor if:

1. He makes a written false statement which he does not believe to be true on or pursuant to a form bearing a notification authorized by law to the effect that false statements made therein are punishable; or
2. With intent to deceive a public servant in the performance of his official function, he:
 - a. Makes any written false statement which he does not believe to be true; or
 - b. Knowingly creates a false impression in a written application or any pecuniary or other benefit by omitting information necessary to prevent statements therein from being misleading; or
 - c. Submits or invites reliance on any sample, specimen, map, boundary mark, or other object which he knows to be false.
3. No person shall be guilty under this section if he retracts the falsification before it becomes manifest that the falsification was or would be exposed.

13-76-8-505. PERJURY OR FALSE SWEARING - PROOF OF FALSITY OF STATEMENTS - DENIAL OF CRIMINAL GUILTY.

1. On any prosecution for perjury or false swearing, except a prosecution upon inconsistent statements pursuant to 13-850-2(b) falsity of a statement may not be established solely through contradiction by the testimony of a single witness.
2. No prosecution shall be brought under this part when the substance of the defendant's false statement is his denial of guilt in a previous criminal trial.

13-76-8-506. FALSE REPORTS OF OFFENSES TO LAW ENFORCEMENT OFFICER. A person is guilty of a class B misdemeanor if he:

1. Knowingly gives or causes to be given false information to any law enforcement officer with the purpose of inducing the officer to believe that another has committed an offense; or