



Administrative Office of the Courts

Chief Justice Matthew B. Durrant
Utah Supreme Court
Chair, Utah Judicial Council

Ronald B. Gordon, Jr.
State Court Administrator

Neira Siaperas
Deputy Court Administrator

MEMORANDUM

To: SMOT Stakeholders
From: Michael C. Drechsel, Assistant State Court Administrator
Date: Wednesday, April 19, 2023
Re: Shared Master Offense Table (SMOT) Refinements from 2023 Legislative Session

2023 Legislative Session Updates

Among the 575 bills that passed during the 2023 legislative session, the legislature enacted 34 bills that result in changes to — or addition of — offenses listed in the Shared Master Offense Table. With one important exception,¹ these changes will be effective on Wednesday, May 3, 2023. This memo accompanies a spreadsheet that details all of the May 2, 2023 changes. The spreadsheet is organized into four tabs, as follows:

Tab 1 — 2023 Session Changes [the RED tab]

*Tab 1 of the spreadsheet details the **changes from 28 of the 34 SMOT-relevant bills**. These bills each involve only a handful of changes. Therefore, all of the changes from these 28 bills are included on a single tab. The specific bill and line numbers are indicated in Columns E and F. Of note, the legislature has renumbered the DUI and Refusal of a Chemical Test offenses. These offenses have been changed frequently over the last year and we hope that they stabilize with the new numbering enacted by the legislature this session (see HB0369).*

Tab 2 — SB0038-SB0041: DHHS Recodification (Titles 26 & 62A) [the GREEN tab]

*Tab 2 of the spreadsheet details the SMOT changes that arise from **four bills (SB0038,***²

¹ In 2023, the legislature passed **HB0030** (<https://le.utah.gov/~2023/bills/static/HB0030.html>), which is a recodification of the Wildlife Resources Code located in Title 23. This bill will be effective on July 1, 2023, and will result in approximately 70 SMOT offenses being recodified into a new Title 23A. Because these changes will not go into effect until July 1, 2023, these changes are **NOT** included in this memo or the accompanying spreadsheet. Instead, the AOC will provide a memo and spreadsheet detailing those changes a few weeks before July 1, 2023. Stay tuned.

² <https://le.utah.gov/~2023/bills/static/SB0038.html>

SB0039,³ SB0040,⁴ and SB0041⁵) that collectively accomplish the recodification of Title 26 and Title 62A into Title 26B. This legislative effort is part of the legislature's ongoing work to merge the former Department of Health and the former Department of Human Services into a combined "Department of Health and Human Services." Within those titles of the Utah Code there were **approximately 50 criminal offenses** that need attention in SMOT, all of which are outlined on Tab 2. The specific bill and line numbers are indicated in Columns E and F.

Tab 3 — HB0046: Property Offense Recodification (Title 76, Chapter 6) [the BLUE tab]

Tab 3 includes the changes necessitated by the 230-page HB0046,⁶ which is part two of the legislature's multi-year effort to recodify Title 76 of the Utah Code.⁷ HB0046 is a large legislative effort that involves **475 spreadsheet rows** of SMOT changes. For the Administrative Office of the Courts (AOC), the preparation of this list have been a big lift. We are very sensitive to the burden that implementing the changes in this list of recodified offenses will be for you. Ultimately, the number of changes on Tab 3 are the result of the following:

- a) the large number of property-related offenses in Title 76, Chapter 6;
- b) the propagation of the lengthy list of theft penalties from Utah Code § 76-6-412 into the multitude of theft-related statutes in this chapter of the Utah Code; and
- c) the culling of various subsections out from five long multi-offense statutes and depositing those subsections into nine new stand-alone statutes, as follows:
 - i) **CRIMINAL MISCHIEF:**
The element options that address property damage are carved out of the existing criminal mischief statute (Utah Code § 76-6-106 at line 1543) and enacted into a new statute that specifically addresses "property damage or destruction" (Utah Code § 76-6-106.1 at line 1597).
 - ii) **PRODUCING / TRANSFERRING FALSE ID:**
"Producing or transferring a false ID" is carved out of the forgery statute (Utah Code § 76-6-501 at line 3141) and is placed in a stand-alone statute (Utah Code § 76-6-501.5 at line 3168).
 - iii) **FRAUDULENT HANDLING OF RECORDABLE WRITINGS:**
"Fraudulent handling of a recordable writing" is carved out of the wrongful lien statute (Utah Code § 76-6-503.5 at line 3232) and is placed in a stand-alone statute (Utah Code § 76-6-503.6 at line 3247).
 - iv) **FINANCIAL TRANSACTION CARD OFFENSES:**
"False application for a financial transaction card" is carved out of the unlawful use of a

³ <https://le.utah.gov/~2023/bills/static/SB0039.html>

⁴ <https://le.utah.gov/~2023/bills/static/SB0040.html>

⁵ <https://le.utah.gov/~2023/bills/static/SB0041.html>

⁶ <https://le.utah.gov/~2023/bills/static/HB0046.html>

⁷ In 2022, the legislature began recodifying Title 76 by passing SB0123, which recodified the criminal offense against the person found in Title 76, Chapter 5. For a detailed explanation of the reasons why the legislature is pursuing a recodification of Title 76, please see the SMOT Refinements memo from January 2023:

<https://legacy.utcourts.gov/resources/docs/SMOT%20Refinements%20-%2020230103.pdf>

financial transaction card statute (Utah Code § 76-6-506.2 at line 3405) and is placed in a stand-alone statute (Utah Code § 76-6-506.8 at line 3569); and

"Use of fraudulent financial transaction card" is carved out of the unlawful use of a financial transaction card statute (Utah Code § 76-6-506.2 at line 3395) and is placed in a stand-alone statute (Utah Code § 76-6-506.9 at line 3595).

v) **COMPUTER OFFENSES:**

"Unlawful disclosure of personal information" is carved out of the computer crimes statute (Utah Code § 76-6-703) and is placed in a stand-alone statute (Utah Code § 76-6-703.1);

"Unlawful use of technology to defraud" is carved out of the computer crimes statute (Utah Code § 76-6-703) and is placed in a stand-alone statute (Utah Code § 76-6-703.3);

"Interference or interruption of critical infrastructure" is carved out of the computer crimes statute (Utah Code § 76-6-703) and is placed in a stand-alone statute (Utah Code § 76-6-703.5); and

"Unlawful computer access" is carved out of the computer crimes statute (Utah Code § 76-6-703) and is placed in a stand-alone statute (Utah Code § 76-6-703.7).

Tab 4 — 2023 Clean-up Items [the PURPLE tab]

*Tab 4 includes **26 clean-up items** that, although not borne out of the legislative session, became topics of discussion during our work to implement the 2023 legislative changes.*

The spreadsheet information specifies the status of the change being made for each offense:

- if there is a statutory reference in both the "Current Violation Code" and "New Violation Code" columns, then the offense is being directly **renumbered** (for some offenses, the renumbering is accompanied by a change to the "Short Description" to better align the offense names);
- **"ADD"** — the offense already existed in Utah Code, but has not previously existed in SMOT in the specific way indicated;
- **"NEW"** — a new offense was created during the 2023 legislative session and that new offense is being incorporated into SMOT;
- **"RENAME"** — the "Short Description" for the offense is changing to better align the SMOT entry with the scope of the relevant statute, but the offense code will remain the same;
- **"REMOVE"** — that specific listed offense is being completely removed from SMOT; and
- **"NO CHANGE"** — the offense entry is included with the SMOT offenses listed on the spreadsheet to show the complete statutory scheme (if we omit these from the spreadsheet, we receive calls and questions about why those offenses aren't included in SMOT anymore...they are included, they just aren't changing).

If you have any questions or concerns about this memo or the anticipated changes scheduled to go into effect on May 3, 2023, please contact Michael Drechsel at michaeld@utcourts.gov.

